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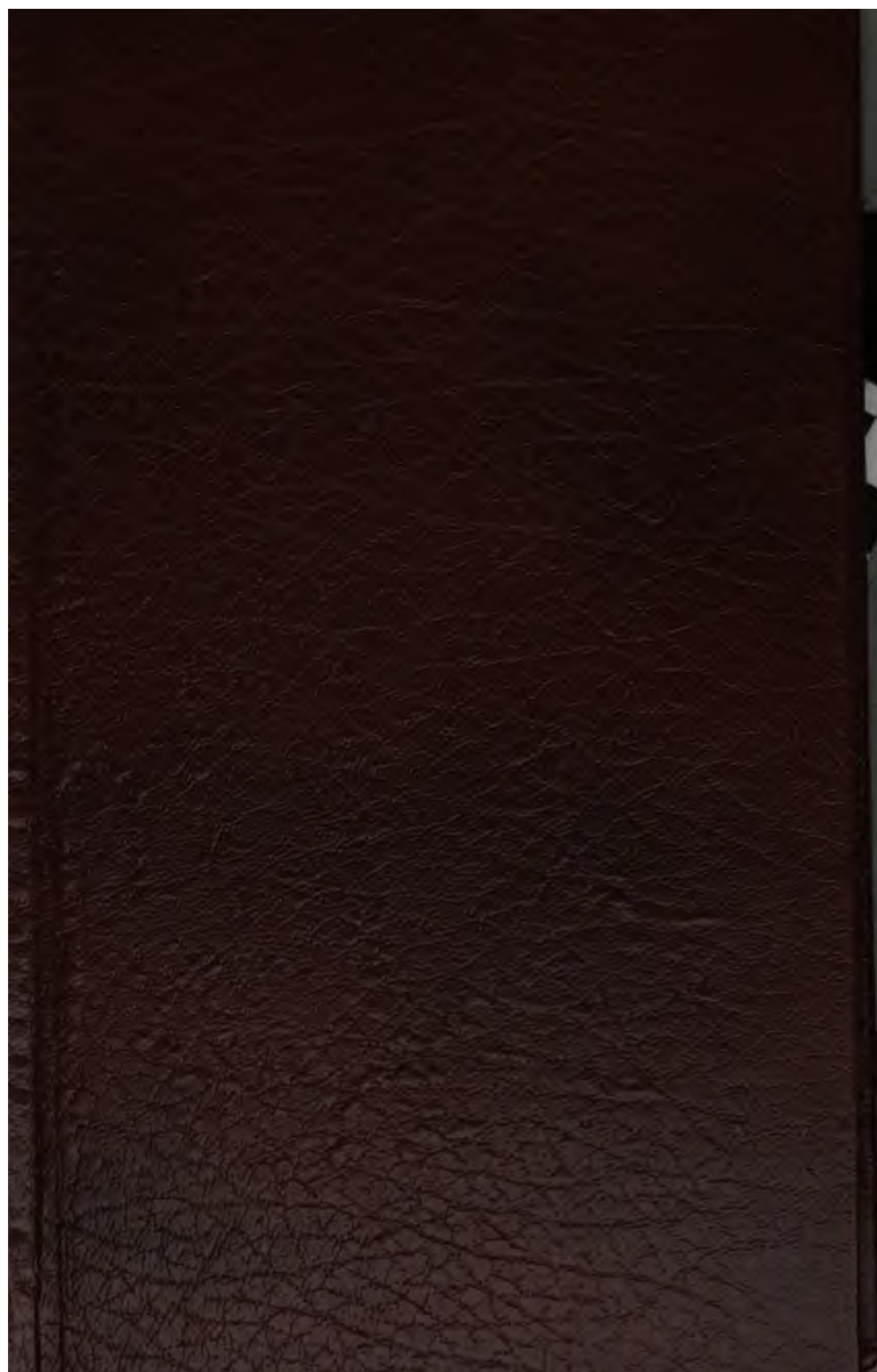
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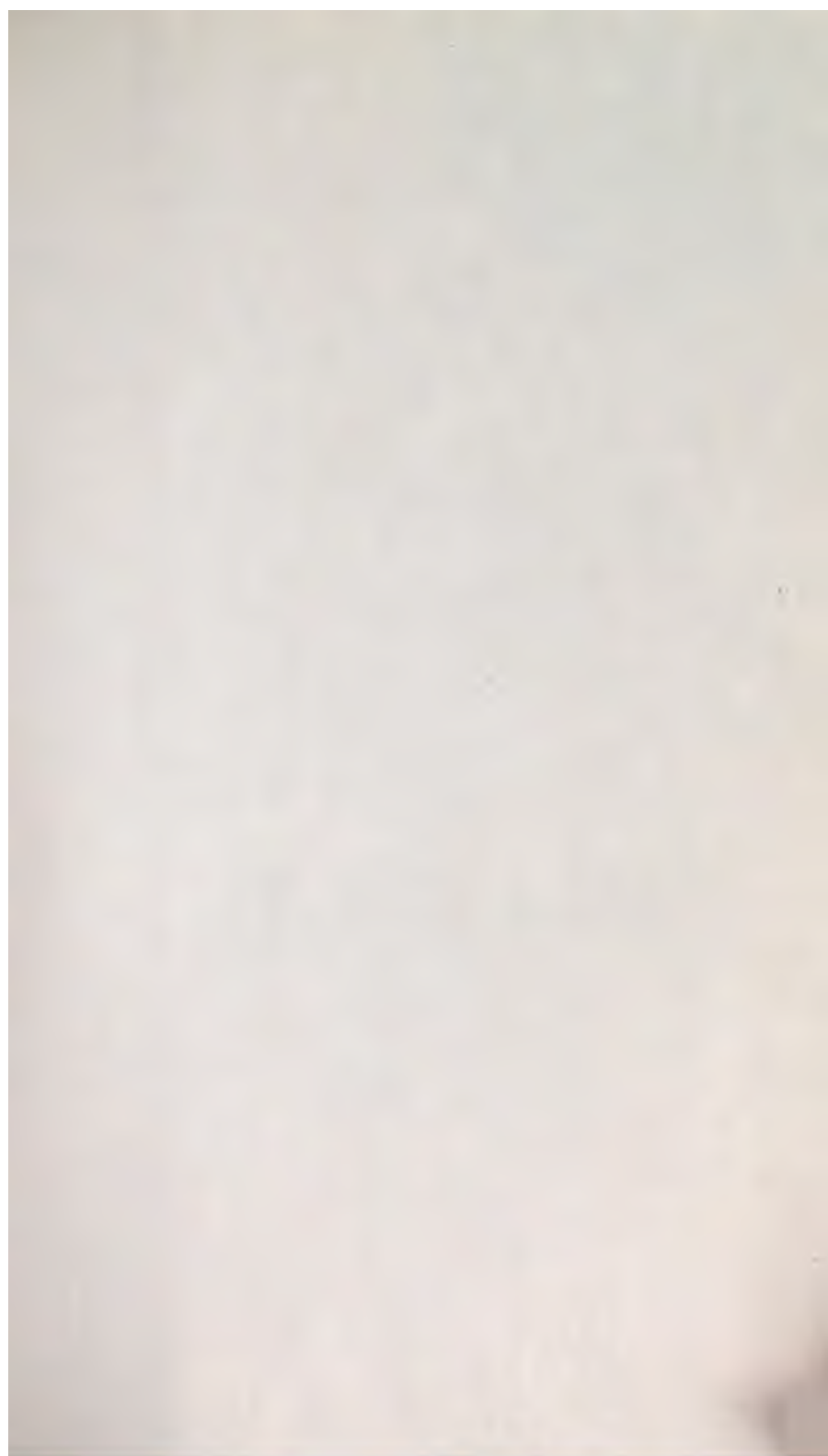
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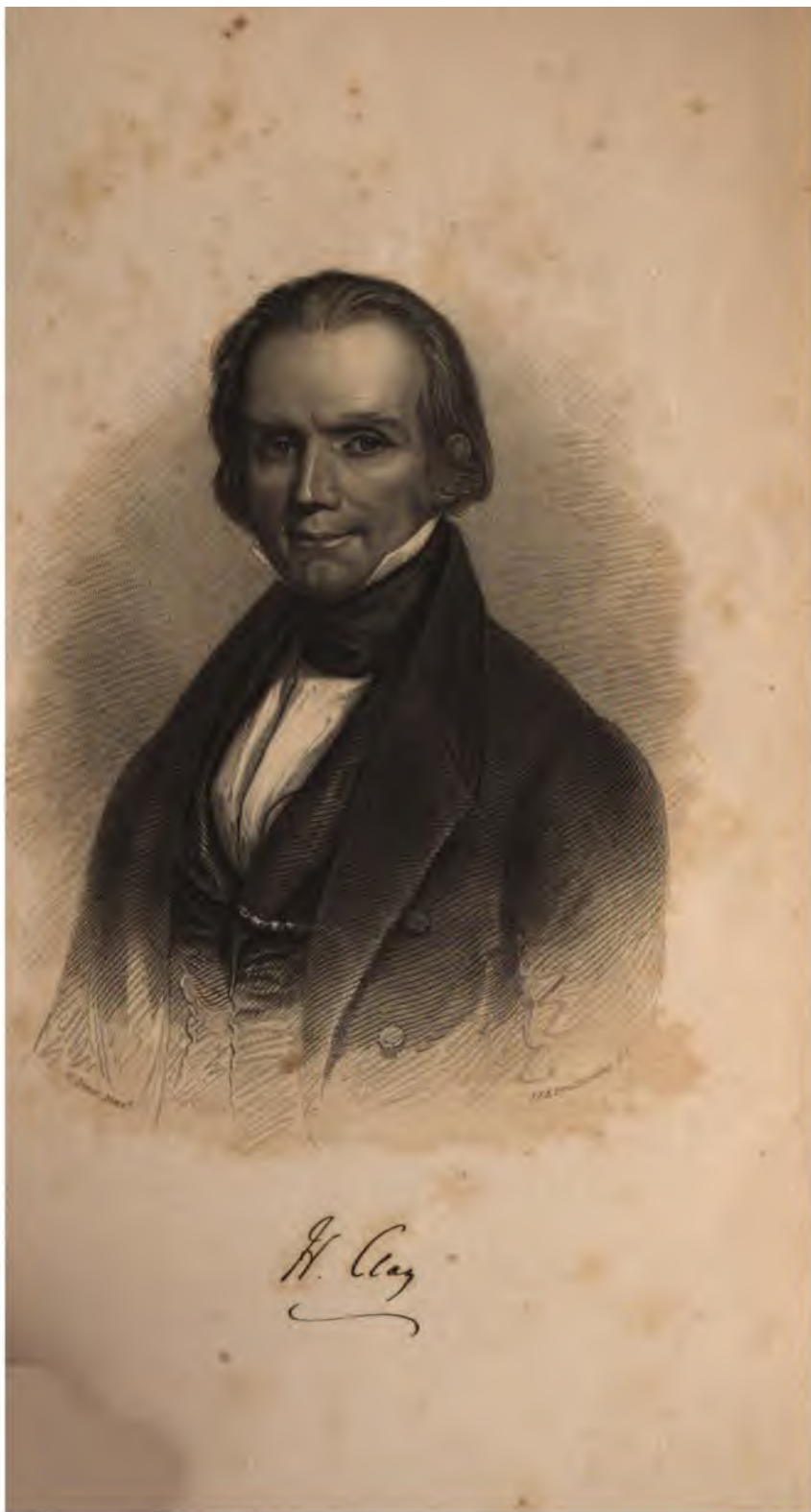














*"Upon the Cumberland Road stands a large and beautiful  
monument of stone, surmounted by the Genius of Liberty,  
and inscribed with the name of HENRY CLAY."*

*Frederick Douglass.*



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THE

LIFE AND SPEECHES

OF

HENRY CLAY.

VOLUME I.

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NEW-YORK:

GREELEY & McELRATH, TRIBUNE BUILDINGS.

1843.

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## P R E F A C E .

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THE biography of our country's most distinguished and honored statesmen is eminently fraught with encouragement and hope for her aspiring youth—especially for those who enter upon the stage of active life unportioned and unheralded by the partial voice of powerful friends and kindred. Of the eight citizens who have attained the honors of the Presidency, Washington was descended from a family of country squires, Adams from a Puritan ancestry of unassuming worth and undistinguished talent, and Harrison immediately from a signer of the Declaration of Independence, and remotely from one of the Judges who condemned Charles I. to the block. The others belong to that very large number who, in fashionable parlance, 'had no grandfathers'—that is, who achieved eminence for themselves, and did not receive it from pedigrees. From Franklin down to Hamilton, the master-spirits of the Revolution were men who could never have hoped to achieve distinction as the colonists of a distant monarchy. Each of these carved out for himself a lofty niche in the Temple of Fame; but seldom have their lineal successors presented any claim to rival, much less heighten, the glory which still faintly irradiates their brows. Of how many of the Patriots and Sages of the past generation do we find the glory reflected in their descendants?

HENRY CLAY is one of the many among our eminent men who, beside the disadvantages of poverty and obscurity, were fated to encounter that of early orphanage. His father, a clergyman of the Baptist persuasion, died while he was yet very young, leaving him nothing but a Christian example and an honest name. Yet he found friends to aid his acquirement of a knowledge of the Law, to which his powers were early dedicated; he found and attached friends in the new home in the wild west to which his footsteps were turned while yet in his minority; and at an age when men have rarely ventured to aspire to political distinction, he who had so lately entered Kentucky an unknown and friendless stripling, had passed from a seat in the Legislature to the Speaker's chair, and thence to the Senate of the United States.

His subsequent career has been such as to teach emphatically to the youth of America this lesson—that no one who is conscious of possessing the requisite qualities need ever apprehend that humility of origin or obscurity of position will deprive him of opportunities to serve and honor his country.

The volumes herewith presented are intended to trace clearly the career of Mr. CLAY from his entrance on the stage of public life down to the present time—mainly by the light of his own lofty, persuasive and at times impassioned eloquence. A circumstantial original Memoir is prefixed, while a slender thread of narrative accompanies, for the most part, the Speeches, with the view of elucidating them by a simple setting forth of the time, place and occasion. On this, however, no great stress is placed. Mr. CLAY's parliamentary efforts, clear, direct and vigorous, generally embody all the illustration that is needful to their full understanding, a few words only suffice to set forth their bearing on the spirit and history of the times. The great importance, variety and indestructible interest of the topics he mainly discusses; the character and ability of the orator, the direct and often exact bearing of his arguments on the controversies and interests of our own time, all combine to render his Speeches among the most valuable contributions of Patriotism and Genius to the enlightenment and elevation of the American People.

No labor has been spared to render this edition not only far more complete than any former one has been, but so perfect that there shall exist no necessity for one to come after it. The work is stereotyped, so as to afford opportunity for correcting any errors which may hereafter be detected, and to admit of the addition from time to time of the Speeches which Mr. CLAY shall make hereafter: so that he who buys this work may complete it up to any future period without extra expense. It is hoped that this plan will receive the hearty approbation and support of the public, and especially of the numerous and thick-gathering friends of the Great Statesman of the West.

The PORTRAIT which embellishes this volume is copied from an original painting by GEORGE LANE, and was recommended by Mr. CLAY, as an excellent and faithful likeness.

The VIEW of the BIRTH PLACE OF HENRY CLAY was copied from a drawing made on the spot.

New-York, 1842.

MEMOIR  
OF  
HENRY CLAY.

---

"His fame is so great throughout the world that he stands in no need of an encomium and yet his worth is much greater than his fame. It is impossible not to speak great things of him, and yet it will be very difficult to spend what he deserves."—COLERIDGE.

"If I desire to pass over a part in silence, whatever I omit will seem the most worthy to have been recorded."—  
GAUDIAN.

THE most fitting monument in honor of a public man is a faithful record of his public acts. If these be worthy, and the record simple, time, which destroys all things but good deeds and lofty thoughts, will embalm them for eternity. If they be base, eulogy adds a lie to their deformities, and they must perish of their own disease. In the spirit of this truth we address ourselves to the task before us.

HENRY CLAY was born on the 12th of April, 1777, in a district of Hanover County, Virginia, which, from its physical character, and for lack of a better name, was familiarly known throughout the neighborhood as The Slashes. His father was a Baptist clergyman, of fair talent and stern integrity; but as he died in 1781, before his character and habits could have exerted any influence upon those of his son, farther reference to them would be aside from our prin-



## MEMOIR OF HENRY CLAY.

cipal purpose. . . . At the age of four years, then, HENRY was left, the fifth of seven children, without fortune, to the guardian care of an affectionate mother. She sent him to school—and he learned to read and write : and, as he grew older, the rudiments of English grammar, of arithmetic, and geography were acquired in the lowly district school, with which, at that time as well as this, Virginia was by no means too plentifully supplied. But here his education, so far as it depended on the mere formal teaching of others, abruptly stopped. His mother was poor—not only unable to procure for him the advantage of methodical study—but forced to require his active services in aid of her own exertions. He applied himself to the labor of the field with alacrity and diligence ; he shunned no task, but embraced all duties ; and there yet live those who remember to have seen him oftentimes riding his sorry horse with a rope bridle, no saddle, and a bag of grain, to Mrs. Darricott's mill on the Pamunkey river. By the familiar name of the MILL BOY OF THE SLASHES, do these men and their descendants even now perpetuate the remembrance, or the tradition, of his lowly, yet dutiful and unrepining employments.

During this period of his life he enjoyed the counsel and the care of his beloved mother, who was a woman fitted by her natural qualities to develop in her son, by her daily intercourse with him, that high-minded frankness and sincerity of character which marked his course through the whole of his subsequent career. But, greatly to his regret, he was separated from her, and placed as clerk in a small retail store with Mr. Richard Denny, in Richmond, Virginia ; but have no evidence that this, his new employment, was so to his taste than it was to that of his great predecessor,

PATRICK HENRY, celebrated not more for his oratory than for the zeal and earnestness with which he wielded it in defence of his countrymen. He remained in this situation, however, until 1792, when his mother, having married Mr. HENRY WATKINS, removed to Woodford County, Kentucky, where she lived until her death, which occurred but a few years since. At her departure, he was placed in the office of Mr. PETER TINSLEY, Clerk of the High Court of Chancery in the City of Richmond—‘being left,’ as he says himself, in his latest speech, ‘without guardian, without pecuniary means of support, to steer his course as he might or could.’ While here as clerk, he sought, as far as his leisure would admit, to repair, by his own irregular but earnest exertions, the lack of a systematic and thorough discipline; and he was aided in this endeavor, and encouraged in his half-formed intentions to make Law his profession, by the counsel and conversation of the then venerable Chancellor WYTHE, who was frequently drawn to the office by his official business, and whose friendly attention was attracted by the mental acuteness and discreet deportment of the youthful student. The Chancellor finally employed him as his amanuensis; and he thus learned indirectly much that was useful in his after life. His principal business was to write, at the dictation of the Chancellor, his decisions, and comments upon those of the Court of Appeals, by which they were now and then reversed: the drudgery of his task, which, at best, was tiresome enough, was greatly enhanced by the passionate fondness of his employer for Grecian Literature, which led him to introduce into all his papers most liberal quotations from his favorite authors; and these, in their original, of which the laborious clerk knew not a letter, he had to copy. But of this he made no complaint; it taught him the great lesson

of patient labor, which few men learn too well, and which, in fact, lays the foundation of all permanent greatness and worth. But he also learned the principles of grammar and the logical and rhetorical structure of sentences: and he found still farther aid in this in the direct advice and guidance of his venerable friend.

Mr. CLAY's situation with Mr. TINSLEY introduced him to the acquaintance of many of the ablest and most distinguished lawyers of the Old Dominion; and the same excellent qualities of mind and heart which had drawn the notice and secured the favor of Chancellor WYTHE gained for him the friendship and esteem of ROBERT BROOKE, Esq. then Attorney General, and formerly Governor, of Virginia. At the invitation of this worthy man, in the latter part of 1796, he took up his residence with him for the purpose of a more thorough and systematic study of the law than his situation with Mr. TINSLEY rendered practicable. In his previous intercourse with the members of the bar, in his attendance upon the courts, and in the copying of papers and that attention to the general business of a lawyer's office which the duties of his clerkship rendered necessary, with his active mind and observing disposition, he must have acquired much valuable legal information and some acquaintance with the general rules of legal process. But it was during this year that he spent with Mr. BROOKE, that he principally pursued the methodic study of the law.

At the end of the year, in November, 1797, Mr. CLAY obtained a license to practice his profession, from the Judges of the Court of Appeals in his native State. But he chose not to attempt its practice there, but rather to follow the for-

James of his household gods. The same year he removed to the then little village of Lexington, in Kentucky, where for the first time, a beardless stranger, he was seen upon its streets. In the words of Chief Justice ROBERTSON, of that State, 'he came leaning alone on Providence, a widowed mother's prayers and the untutored talents with which God had been pleased to bless him.' Though he opened an office immediately upon his arrival, it does not appear that he engaged for some time in the active duties of his profession. But to some extent it would seem that he must have entered into business; for he tells us, in his speech pronounced at Lexington, June 9, 1842, that he 'went there without patrons, without the favor or countenance of the great or opulent, and without the means of paying his weekly board.' But the most of his time was devoted to the further prosecution of his legal studies, and to the general discipline of his mind, which he still felt to be very incomplete. For the purpose of improvement in debate he joined a village club; but for a long while took no active part in its proceedings. He seemed, to them who knew him slightly, to lack vigor and energy, was thin, slender and of apparently feeble constitution. But even at that time it was remarked by a distinguished literary gentleman of Lexington, that Mr. CLAY's colloquial style was more habitually correct and elegant than that of any other young man he had ever known. His fellow-members of the Society, who knew his ability in this respect, were surprised at his unbroken silence at all their meetings; and a remark he whispered to his neighbor one evening after a long debate, just as the question was about to be taken, that the subject did not seem to him to have been exhausted, appears to have awakened unusual attention. His words were heard by several and the

Chairman was requested not to put the question then, as Mr. CLAY would speak. He was thus directly called upon and manifested extreme embarrassment. He had never before made an attempt at public speaking, and seemed diffident and distrustful of his own abilities in an unusual degree. He had without doubt framed and uttered in his closet many a speech fitted for, but never pronounced in the Halls of Justice; for this was betrayed by his opening words. He lacked confidence to keep his seat; and as he rose, and with marked confusion attempted to speak, '*Gentlemen of the Jury*' were the first words that fell from his lips. His mistake disturbed him the more, and he blundered them out again. But seeing the sympathy of his audience, who appreciated his feelings and were unwilling to add to his embarrassment by seeming to notice it, their courtesy gave him confidence; he shook off his timidity, and launched forth into an oration of great logical strength, of extreme beauty of diction and of thrilling eloquence, which excited the admiration and the profoundest respect of his hearers. Thus, was first sounded that voice, which like a stirring trumpet, arousing to all that is noble in action and patriotic in feeling, has for nearly half a century pealed through the length and the breadth of our land. After this Mr. CLAY was a constant attendant upon the debates of the Society, and became at once one of its most active members. His voice mingled in every discussion, and he took good care to make thorough preparation upon every topic of debate; his arguments always bore marks of careful thought and evinced close reasoning and a remarkable power of eloquent expression. He soon threw off the timidity which at first had so sadly perplexed him, and acquired that perfect self-command and readiness of reply, which upon so many important occasions

in after life, he has exhibited alike to the admiration of others and to his own advantage.

A few months after this first trial of his oratorical powers, Mr. CLAY was admitted to practice before the Quarter Sessions of Fayette County, a Court of general jurisdiction. The Lexington bar was at that time celebrated for its ability; numbering among its members, JOHN BRECKENRIDGE, GEORGE NICHOLAS, JAMES HUGHES, WILLIAM MURRAY, and many others equally distinguished by intellectual strength and their profound legal acquirements. Entering into instant and unaided rivalry with these lawyers of established reputation; Mr. CLAY's hopes of immediate success were far from being sanguine. In the same speech to which we have before referred, he says, with simple and touching grace, 'I remember how comfortable I thought I should be if I could make £100 Virginia money per year, and with what delight I received the first fifteen shilling fee.' But his success far exceeded his most sanguine expectations. He 'immediately rushed into a lucrative practice.' The reason of this is easily seen, and is, to some extent, indicated by the character of the cases committed to his care. In a knowledge of the Law, of its great fundamental principles, and of the precedents by which these were to be maintained, as well as of the rules of pleading, and the minute details of Legal Practice, he was of course far inferior to the veterans of the bar, in whose presence he had with such bold chivalry thrown down his glove. But he was even then one of the most fluent and eloquent speakers that ever addressed a Jury. He had a most musical voice, a captivating address, and a power of appealing to the passions and sympathies of those he sought to move, which rarely failed to ensure success. His personal charac-



ter was of the noblest stamp ; frank and generous to a fault, ardent in his attachments, sincere in all he said and did, scorning with his whole soul even a trick or an unworthy act, and cordially despising the man that could be guilty of either, he bore about him that deportment and dignity which demanded as his right, and always secured, the perfect confidence of every man with whom he came in contact. He was quick to detect the workings of the minds of others, and prompt to take advantage of any bias, however slight, in favor of the cause he had espoused. These qualities placed him far in advance of the ablest of his elder brethren at the bar in the conduct especially of criminal cases, where the issue depended rather upon the judgment and feelings of a Jury than upon the cooler and more independent decision of the court. It was in this department of his profession therefore that Mr. CLAY was principally engaged ; his success was most decided, and the reputation he speedily acquired most brilliant and distinguished.

One of his biographers has cited several instances of the ability he displayed in particular cases and of the success which crowned his exertions. The records of the Kentucky courts are filled with the proofs of his legal power and of his extended practice. One of his earliest cases, there presented, is the defence of Mrs. Phelps, the respected descendant of a worthy family, and the blameless wife of an upright farmer : she was indicted for murder, and it was proved, beyond possibility of cavil, by several witnesses, that she had killed her husband's sister, by shooting her through the heart upon a slight offence—the act for the commission of which she stood on trial. The circumstances of the case, the character of the accused, the beauty and amiable deportment of

her victim, and the profoundest sympathy for her husband, bereaved of one dear friend, by the hand of another, awakened the deepest feeling and gave to the trial interest of a thrilling intensity. It was no slight tribute to his ability that Mr. CLAY was employed in the defence of so delicate a case ; but the success which attended his efforts, fully justified the confidence reposed in him, and established his reputation as a criminal lawyer of unequalled promise. The fact of killing, of course, could not be contested. The only point upon which a question could be raised, was as to the denomination of the offence : was it murder or manslaughter ? The prosecution was urged with great power and clearness ; but Mr. CLAY not only succeeded in convincing the jury that the crime committed was only manslaughter, but so moved the pity of the Court and the sympathy of the gathered multitude, that his client suffered only the lowest possible punishment allowed by the law.

Soon after this Mr. CLAY defended, in Harrison County, two Germans, father and son, indicted for a murder proved to have been committed under highly aggravated circumstances. Here, as in the other case, Mr. CLAY's efforts were exerted to prove that the deed they had committed came under the description of manslaughter, and not under that for which they were indicted, and thus to save the lives of the wretched prisoners. The trial lasted for five days ; and at its conclusion Mr. CLAY was completely successful. Not satisfied with this verdict in his favor—probably, though of this we are not informed, upon the ground that the jury could only return a verdict upon the specific indictment—he moved an *arrest of judgment*, and after a close argument of a day succeeded also in this ; so that his clients were at once set free.

This result took the whole audience by surprise ; the prisoners themselves, when they became convinced of its reality, manifested the utmost gratitude for Mr. CLAY's exertions, though it must be confessed they were outdone in the enthusiasm with which they expressed their thanks by an old and withered woman, the wife of one and the mother of the other ; for, in the excess of her thankfulness, which forbade all thought of the proprieties of the place, in the crowded court-room, she threw her arms about the neck of Mr. CLAY and covered him at once with kisses and confusion. The audience, however, had too much respect for the sincerity of her emotions to turn their exhibition to ridicule ; and Mr. CLAY, though he certainly escaped her blandishments as soon as possible, received them with a graceful dignity which gave him additional favor in the eyes of the Court as well as of his somewhat too ardent, but sincere, admirer.

We find recorded one or two other incidents of his early professional practice to which, for our purpose, no more than a bare reference will be necessary. The skill with which he could turn to his advantage a doubtful technical point, and the dignity of character which he brought into the advocacy of his cause, were well illustrated at the second trial, granted by the Court of Fayette County on motion of the Prosecuting Attorney, of a Mr. Willis, who was clearly proved to have committed murder, but escaped conviction by a disagreement of the jury. When the new trial came on, after listening attentively to the arguments of the Attorney for the State, Mr. CLAY opened his case by laying down in its broadest extent and urging as directly applicable to the case on trial, the rule of law that no man should twice be put in jeopardy for the same offence. The second trial of his client, there

fore, he urged was clearly illegal and a conviction would be impossible. The startled Court stopped the speaker and forbade the argument. Mr. CLAY declared with dignity and solemn earnestness that if he could not argue the whole case to the jury he had no more to say, and abruptly left the room. Of course the Court soon summoned him back and allowed him to pursue his own course. He now, with redoubled vehemence, renewed his argument, and gained a verdict solely upon this point of law—without any reference to the nature of the testimony that had been adduced.

In criminal cases, which were much the most frequent at that early day, in the State of Kentucky, Mr. CLAY was almost uniformly engaged on the side of the defendant. He was led to this by his strong natural sympathies not less than by the high reputation he had acquired in the professional conduct of similar cases. And, it is recorded, as an evidence of his remarkable power at the bar, that not one of the many prisoners tried for capital crimes whom he defended, ever received sentence of death at the hands of the law. Only one case appears in which he acted the part of Public Prosecutor; and in that, he procured the conviction of a slave who was indicted for murder in having killed his overseer in return for a blow before inflicted upon him for some imaginary offence. That even this discharge of his duty was repugnant to the inherent kindness of Mr. CLAY's nature is shown by the fact that he has often been heard to regret, more than any other act of his life, the part he took in the conviction of this friendless negro.

But a single example of his ability and success in the trial of civil cases is preserved, though it is said generally that he

had no rival in the management of suits that involved the land-laws of Virginia and Kentucky. In one of these cases, being called away by business of his own, he left the whole to his associate counsel. Two days were spent upon the argument, and Mr. CLAY's colleague had been foiled at every point. Just as the trial was about to close Mr. CLAY entered the Court; and, though he knew next to nothing of the nature of the testimony, after a brief consultation with his friend, he drew up in written form the instructions he wished the Court to give to the jury, and maintained his positions with such cogency and force that his request was granted, and the case was at once decided in his favor. For the quickness of his comprehension and the ready power with which he seized upon, and maintained, the principal points of any case, so remarkably evinced upon this trial, Mr. CLAY in his after life has been especially distinguished.

Mr. CLAY's first entrance upon political life was proudly signalized by that chivalric boldness, so marked a feature of his whole character, which threw to the winds every thought of personal popularity and gave force only to the generous impulses of his heart and to his own profound conviction of the truth and justice of the principle he had espoused. In 1797, the very year in which he had first put his foot within her borders, Kentucky was taking measures to frame for herself a new Constitution. In many respects the provisions of the old one were unsuited to her rapid growth and to the peculiar temper of her inhabitants. Slavery had been legalized upon her soil and had become firmly wrought into her social frame-work. This, though by no means a subject of general complaint, was still regarded with deep hostility by a respectable minority of her people; and they had submit-

ted for consideration a plan for its gradual and safe abolition. Their proposed object at once enlisted the most ardent sympathies of Mr. CLAY; and by all the means within his reach, through the public press and in assemblies of the people, his best powers were exerted for its success. He was impelled to this course by a deep conviction of the justice of the cause not less than by the profoundest sympathies of his nature. Then, as now and through all his life, he expressed, openly and frankly, his thorough opposition to slavery in all its forms—deploring its existence, zealously seeking to break its chains, when the disruption would not endanger the peace and happiness of the slaves themselves, as well as of their masters, and to soften its asperities by all the means within his reach. Then, as now, he regarded the sanctity of Law and the well-being of Society as considerations of the highest importance—and the first as the sole condition of the last. He looked upon slavery as it exists at the present day in several of the States of this Union, as a grievous misfortune—a sad calamity which from its nature could not be shaken off with the tyranny of the mother country which had entailed it upon them. It had become deeply rooted in their social and political institutions, had intertwined itself with all the interests of the people, and had drawn to itself a large portion of the life of the State. Any sudden effort to uproot it from its deep foundation, he then perceived, as clearly as he has always seen it since, must be attended with most imminent danger to the institutions and interests that have grown up around it, and must spread desolation over the fair face of society. Nor in his view would a summary emancipation be productive of less certain ruin to the slaves themselves than to the other members of the commonwealth. Without exception they were ignorant, destitute of moral culture, and



by no means prepared for the unprotected condition into which their rash and ill judging friends of the present day are striving to see them plunged. All these considerations had the same weight with Mr. CLAY in 1797 as they have ever exerted since; and the plan of relief to which he then gave his ardent support, and which he still regards as upon the whole the safest and the best, embraced them all in its provisions. It proposed that the generation then in bondage should so remain; but that all their offspring, born after the passage of the law, should receive their freedom on arriving at a certain age; and made it the duty of their masters to give to them, meantime, such instruction as should fit them for the contemplated change in their condition. This plan had been some years before adopted in Pennsylvania—at the instance of Dr. FRANKLIN; and the fact that a man of so eminent ability and so highly practical in all his schemes had given to it his warm approval, spoke almost as loudly in its favor as did the distinguished success with which it had been crowned in his noble State.

But though founded in essential justice and shown to be essentially safe to the commonwealth, the people of Kentucky were decidedly hostile to these great principles: and by the ardor with which he upheld and enforced them the rising fame of Mr. CLAY was overcast by public odium. The great majority of the members of the Convention which assembled to revise the Constitution of the State voted against any change in this feature of her existing laws; and though Mr. CLAY bowed with the utmost deference, as he has always done, to the will of the People, who alone had a right to decide the question, his own conviction of the justice of his cause remained unclouded, and his sympathies for the

have uncooled by marked manifestations of the popular displeasure—always so chilling to the heart of young ambition. He continued, without fear, to plead the cause of the oppressed negro. In his professional practice whenever his aid could be of any service to the slave, it was freely offered; and it is said that he never, in the whole course of his life, failed at the bar to obtain a decision in favor of one whose cause he had espoused.

The same impulsive love of freedom, and hatred of any encroachment upon its just enjoyment, which led Mr. CLAY into this sagacious though unpopular measure of relief to the African slaves, soon found, in the rising events of the day, a new field for its exercise, and it urged Mr. CLAY into the support of a cause more consonant with the feelings of the people than that in which he had just incurred their deep dislike. In 1798-9 the famous Alien and Sedition laws were established, during the administration, though in no other respect under the auspices, of the elder ADAMS.

So palpably were they in direct violation of the spirit of our institutions, that the circumstances under which they were passed, and the evidence they furnished of the exceeding caution which marked every step of our first great experiment in the establishment of national freedom, seemed not in the least to mitigate the intense indignation which instantly greeted their enactment. The attempt to establish in this country political institutions, based upon the fundamental principles of equality and the right of self-government, which was at that time very far from being completely successful, was not a sudden and violent uprising of men laboring under a sense of wrongful oppression; it was no vol-

canic outburst of pent-up, struggling energies—but a calm, deliberate effort, demanding all the strength of continued firmness, guided by the clearest rules of caution and foresight. But, besides this general feature of our government which should go far to excuse any measures of reasonable precaution against the dangers of swelling passion, the enactments in question found an apology, though by no means a justification, in the aspect of our relations with foreign powers and especially with France. The anarchy and bloodshed, which succeeded the storming of the Tuileries and the subversion of the government on the 10th of August, 1792, while they struck horror and dread, for the safety of Liberty, to the hearts of all considerate men, seemed strangely to arouse the worst passions of the American people. The light, which glared from the altars on which rested human hecatombs offered in sacrifice to the idols of the French Republic, blinded the eyes of Americans to the blood that rolled in rivers at their base. The Proclamation of Neutrality in the war between France and England which soon ensued, encountered the most virulent opposition among the partisans of France within the United States; and the strange and alarming spectacle was soon presented of a Minister of a foreign power coming to our midst, seeking to drive our government into a breach of all our treaties and into a state of active hostility with nations to whom we were allied in the most sacred bonds of peace, and, when he failed in this, braving our authority, seizing prizes within our jurisdiction, enlisting men and fitting out privateers in our very midst, and finally insulting the nation and stabbing its peace and even existence by threatening, in terms of defiance, “to appeal from the government to the people.” This marked violation of national courtesy on the part of M. GENET, and



all the violent measures by which it was seconded by his government at home, were followed by a deliberate attempt by his successor to influence the result of the approaching election of a President of the United States: and this was sustained with able and unscrupulous effort by a great portion of the press of the Union. Breach of faith, plighted to foreign nations was urged; war with all its horrors was invoked; rebellion and civil commotion were excited, and the nation was plunged into disorder and confusion. Out of this state of the public mind, and in the effort to stay the desolating anarchy, which seemed ready to burst upon the land, the Alien and Sedition Laws were enacted by Congress, and with the sanction of the President. The first gave to the Executive of the United States, power, whenever he should deem its exercise necessary to the safety of the Republic, to order from her territory the departure of any Alien whose presence he might judge hostile to the public peace. The second subjected to an action at law, such persons as should "indite, or publish, any writings, with intent to defame the Government of the United States, the President or either House of Congress, to bring them into disrepute or to excite the hatred of the people against them:" upon conviction before a United States Court, such persons were to pay a fine of not more than two thousand dollars, and to suffer imprisonment for not more than two years:—upon trial the accused had the right to give in evidence, in their defence, the truth of the matter charged as libelous and the jury were to determine both the law and the fact. The presumed necessity for the first of these precautionary measures, was found in the active exertions of emissaries from France, by whose agency clubs had been formed throughout the country, designed and well calculated to exert a powerful influence in

favor of that nation and against the administration of our own—the controlling head being at Philadelphia. The unexampled virulence of the public press, so extreme and scandalous as even to give currency to the loudest denunciations against the Father of his Country for alleged abuses, which, if proved would have sent him to the penitentiary or the scaffold, and so shameless as to proclaim from high places, of President ADAMS that “the hoary traitor had only completed the scene of ignominy which Mr. WASHINGTON had begun,” seemed to those, who regarded the early operation of our institutions as, at best, a doubtful and hazardous experiment, to furnish a fit occasion for the interference of the strong arm of the Law.

The spirit with which these enactments were received by the people of the Union was in perfect unison with that evinced by the great leader of the opposition, THOMAS JEFFERSON, in a private letter written at about the time of their passage: “For my own part,” said he, “I consider those laws as merely an experiment on the American mind, to see how far it will bear an avowed violation of the Constitution. If this goes down, we shall immediately see attempted another act of Congress, declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs, and the establishment of the Senate for life. That these things are in contemplation I have no doubt; nor can I be confident of their failure, after the dupery of which our countrymen have shown themselves susceptible.”\* Throughout the whole length and breadth of the country the enactment of these laws was regarded as

\* Jefferson's Works, vol. iii, p. 422.

a direct violation of the Constitution, as an indefensible assault upon the rights of the people and as the initial step towards the erection of an arbitrary monarchical power in the United States. Resolutions were adopted by the Legislatures of many of the States denouncing their principles, and the administration under which they had been established, in the most violent terms of indignant remonstrance; and meetings of the people, in their primary assemblies had been repeatedly held for the reiteration of kindred sentiments. The subject was brought before the Legislature of Kentucky, by the Governor, in his message of November, 1798; and a series of resolutions, introduced by Mr. BRECKENRIDGE, and adopted by the Assembly, denouncing the laws in angry and decided terms, unquestionably embodied the prevailing popular sentiment of the State. The same topic was discussed at public gatherings, all over the commonwealth, by the ablest and most prominent men within her borders; but among them all no one acquired greener laurels or spoke upon the subject, before the people, with greater clearness of thought, earnestness of conviction or eloquence of appeal than Mr. CLAY. The zeal and effect of his efforts on this occasion, in behalf of popular rights, gained for him the proud title of the "Great Commoner," and the high position of a leader of the Democratic party in the State. We have preserved but a single anecdote of his exertions at this period of his life. At Lexington an immense number of citizens had assembled to listen to a discussion of this engrossing topic. They were first addressed by Mr. GEORGE NICHOLAS, one of the most distinguished orators in Kentucky, in a long and most eloquent speech, which drew forth the loudest applause of that great concourse. In obedience to the loud and repeated calls of the people, Mr. CLAY appeared upon the stand and addressed.

the multitude, for more than an hour, upon the designed executive encroachments indicated by the enactment of the particular laws they were assembled to discuss. He thrilled their hearts by his vivid description of the ruin to which, under the weight of the high-toned federal doctrines of the administration, the country was sinking, and appealed to them, with unequalled power, by all the motives that could have weight with the human heart, to rise up against the oppression beneath which they were so fearfully crushed. The impression made upon the minds of those who heard him was profound and engrossing. He ceased—and his audience remained hushed in silence. The feelings excited by his words were too deep for tumultuous expression, and they thought not of the speaker, until they heard the voice of Mr. WILLIAM MURRAY, a worthy and respectable man, but a strong federalist and a bitter opponent of the opinions of Mr. CLAY, attempting a reply to the arguments to which they had just listened with such breathless attention. But their feelings were too intense to endure a rude assault: and, driving the speaker by clamorous murmur from the ground, they seized Mr. CLAY and his colleague, and, forcing them into a carriage, drove them in triumph, and amid loud shouts of rapturous applause, through the streets and public places of the village of Lexington. This was a victory, which, in the breast of a young man might well arouse hopes and aspirations of unlimited fame.

The canvass throughout the State of Kentucky, during the Presidential election of 1800, was exceedingly animated: the sentiment of the State was most decidedly opposed to the leading features of the ADAMS administration, demanding a policy more thoroughly democratic, and entertaining none

of that distrust of the ability and virtue of the people, which led the existing government to adopt measures of unwise precaution against those who had entrusted their rights and liberties to its control. Mr. CLAY, through all the struggle, bore a conspicuous and an effective part. His abilities as an orator gave him great influence with the people, and to his exertions, in no slight degree, was to be attributed the great unanimity with which the different sections of Kentucky gave their united votes in favor of JEFFERSON as the successor of Mr. ADAMS.

The devotion of Mr. CLAY, in after life, to the great principle of Protection to American Industry, and the splendid efforts, in its advocacy, with which his name has, for many years, been so closely connected, may justify allusion, in this place, to the fact that, as early as 1800, a meeting was held in Bourbon County, Ky., at which it was resolved to purchase no imported articles for which in exchange home products would not be received; and, by all the means in their power, to encourage home manufactures of every kind. How far these proceedings were directly effective we have no means of judging: that to some extent, they gave shape and vigor to subsequent exertions cannot well be doubted.

In 1803, during the absence of Mr. CLAY at the Olympian Springs, occurred the State Election at which his name was first proposed as a candidate for the lower house of the Legislature. Without his knowledge a poll was opened for him in the County of Fayette. His opponents were able and distinguished men: and apart from general politics, the prominent question of most local interest, involved in the election, was that relating to the Lexington Insurance Company.



which had been chartered by the Legislature of the previous year, and of which, it was well known, a strong party, with FELIX GAUNDY, then a young and eloquent lawyer, at their head, purposed the destruction. The immediate object of the Company was to insure boats and their cargoes on the Ohio and Mississippi rivers; but the most obnoxious feature of the charter was a power, indirectly granted to the Company, of taking and giving bills by assignment and making such as were payable to the bearer negotiable by delivery. This was regarded as, in effect, clothing the Company with the powers of a Banking Corporation; and Mr. GAUNDY had been zealously canvassing the Counties South of Kentucky river, as the champion of that party which urged a repeal of the charter, which, by its very terms, was established beyond the power of repeal, until January 1, 1818. Mr. CLAY regarded this attempt as clearly unconstitutional and inexpedient; and he was, therefore, selected as their candidate, by the friends of the Company in the County of Fayette. By reason of his absence he took no part in the contest, nor did he, indeed, arrive at the place where the poll was held until the morning of the third day of the election, his opponents having, meantime, been constant and eloquent in their harangues to the people, vindicating their measures and soliciting their votes. Upon witnessing, at his arrival, the arts which had been practised to ensure his defeat, his feelings were awakened and he addressed the electors in a long and powerful speech—explaining his opinions upon the general political questions involved in the struggle, as well as that upon which the result was more immediately to turn; and appealing to their knowledge of his character and abilities against the representations of his older opponents. He was elected by a large majority: and, on taking his seat, easily

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defeated the attempt that was made to procure the repeal of the Insurance charter.

At the next session, in 1804, Mr. Grundy himself obtained a seat in the House and with him a majority, pledged to support his views. Though certain of defeat, the friends of the Company desired that the action of the House in repealing their charter should be clearly understood by the people at large : and it was resolved, therefore, that the question should not be taken until the subject had been thoroughly discussed. Mr. CLAY and Mr. GRUNDY, of course, conducted the debate ; and as both were young, ambitious, and eloquent, the House was thronged for the two days which it occupied, with attentive and admiring spectators of the brilliant contest. Mr. GRUNDY was strong and extremely adroit ; but he was clearly inferior in all the points of logical and effective argument to Mr. CLAY : and, although the question in the House was decided in favor of Repeal, the Senate, whose members had been present during the whole discussion, immediately reversed their decision and the Company retained its charter. Strong efforts were made at this session, likewise, to procure the removal of the State Capitol from Frankfort. They had been repeated for several years and were again renewed in 1805, when Mr. CLAY urged the removal with great effect and admirable humor. The objections to Frankfort, however, seem not to have been very weighty, while it was plausibly urged, that by the first selection of that place, a virtual pledge of the permanent location of the Capitol there, had been given to those who had thereby been induced to invest their property in lots, houses, and village improvements. Mr. CLAY succeeded, however, in securing the co-operation of a majority of the Legislature ; but as a vote of two-thirds

was required by the Constitution, the removal was not effected.\*

In 1806 occurred the connection of Mr. CLAY with the trial of AARON BURR, which some of his bitterest enemies sought, upon subsequent developements, to make the occasion for bold but most impotent assaults upon his integrity and patriotism. The circumstances of BURR's arrest were such as to excite and well-nigh justify the suspicion, in the absence of positive evidence, that the charges against him had their origin in the political enmity of the leaders of the Federal party in Kentucky. Vague rumors of ambitious and illegal military enterprises, threatening the peace of the western States and the Spanish colonies on the South Western borders, had for some time been afloat; and, in connection with other causes, had occasioned no little popular uneasiness. While everything, however, was still indefinite and uncertain, two men, named JOHN WOOD and J. M. STREET, who had just come from the East, established in Frankfort a Weekly paper called "The Western World:" and in some of its earliest numbers they published what seemed to be a circumstantial narrative of events connected with these rumors of treasonable conspiracy. Still these statements were bare assertions, unsupported by evidence, and bearing upon their face no great probability. They were mainly, too, anonymous, being in the form of communications under the signature of "An Observer," since known to have been written by Mr. HUMPHREY MARSHALL, a bitter Federalist, chiefly distinguished by his intense hatred of everything in any way connected with the democratic party, of which BURR at that time was a prominent member. For the more certain accomplishment of their purposes, which by that very act were

made evident, an address was drawn up by the same pen, repeating the statements of "An Observer" and preferring charges of corruption and criminal conspiracy against the leading members of the Jefferson party in Kentucky, including Judges of the Court of Appeals and many of Mr. CLAY's warmest and most distinguished friends: the paper was laid before the Legislature and an investigation prayed. It was granted, but resulted in no important disclosures. The whole matter was soon dropped in the Legislature, as too frivolous to call for further notice; and the sympathies of the people were strongly enlisted against the agents in this attempt to blast the character, and ruin the fortunes, of some of their most worthy and eminent citizens.

In the summer of this same year, a visit of Col. BURR to Lexington, on his return from New Orleans, gave occasion for a renewal of the rumors of extended and dangerous intrigues. His movements were suspicious, and, in the early autumn, his military movements on the Ohio river became matter of notoriety. The same "Observer" published another disclosure of intended treasons, artfully drawn, clothed in mystery, and intended to direct legal proceedings against Col. BURR. In this it was successful: and at the opening of the U. S. Court in November Col. J. H. DAVEISS, the U. S. Attorney, presented an affidavit charging BURR with being engaged in preparations for a military invasion of the provinces of Mexico, in which the whole Western territory of the United States was involved, and declaring that he believed the charge could be fully substantiated by evidence: and upon this affidavit he grounded a motion for the arrest of Col. BURR. After a due consideration of the only evidence that was offered, the Court denied the motion. Col. BURR was

present, and, in a speech of great dignity, spoke of the very ~~same~~ proceedings that had been instituted against him, and, ~~lest the same~~ should be repeated in his absence, he asked as a favor to himself a trial before a jury—for which he would at any moment be prepared. His bearing conciliated universal favor; and, when viewed in connection with previous and similar charges against citizens of Kentucky, which had been dismissed by the Legislature of that State as of no validity, the proceedings against him were regarded as springing from a groundless and unwarrantable persecution. The public feeling was, therefore, strongly in his favor. His request for a trial was granted and a jury empaneled. On the day of the trial the Court room was crowded to suffocation with eager spectators, all of whom, as well as the Court itself and the prisoner, were surprised by a motion from the prosecuting attorney for a discharge of the jury by reason of the absence of a material witness—DAVIS FLOYD, a member of the Indiana Legislature, whose attendance could not, therefore, be enforced. The motion was granted, and thus no indictment was found. BURR expressed his extreme regret at the delay and vexation to which he was subjected, and said that as he acted upon the defensive only, he should hold himself at all times ready for another attack.

Subsequent events induced the Attorney for the United States to renew the prosecution; and the 2d of December was the day appointed for the trial. Col. BURR meantime had applied to Mr. CLAY for his legal advice and assistance as counsel, in connection with Col. ALLEN, deeming the enlistment of Mr. CLAY's powerful eloquence and legal skill, in his behalf, the surest means of his speedy acquittal. Mr. CLAY meantime had been elected by the Legislature, a Sen-

ator of the United States; and he felt, therefore, weighty scruples, as to the propriety of undertaking the defence of a man charged with treason. He remained in doubt until Burr, probably fearing that he should lose his valuable aid from a suspicion of his guilt, addressed to Mr. CLAY a note, solemnly declaring that he had never taken the first step towards effecting the designs attributed to him by the prosecution, that he owned not a single article of military stores, that his views were understood by the administration and regarded by it with complacency, and concluding with the following emphatic assurance:—"Considering the high station you now fill in the national councils, I have thought these explanations proper, as well to counteract the chimerical tales, which malevolent persons have so industriously circulated, as to satisfy you that you have not espoused the cause of a man in any way unfriendly to the laws, the government, or the interests of his country." Placing confidence in this gratuitous declaration of Col. Burr, and influenced, probably, to some extent by the universal sympathy which was felt in his behalf, Mr. CLAY consented to appear in his defence, but declined to receive for his services any fee or compensation.

Mr. CLAY was now opposed to Col. DAVIESS with whom he had, but a short time before, had a personal difference which nearly resulted in a duel. He had from his first appearance at the bar, without hesitation, always undertaken the defence of the weak and unfortunate against the rich and powerful, without the slightest regard to the chance of obtaining his fee or to the wealth and station arrayed against him. Col. DAVIESS, in a moment of passion, had struck a tavern keeper in Frankfort, who immediately obtained a writ

against him. This was easily done—but he could find no attorney who dared to undertake its prosecution. The accused was a man of the highest ability and influence, and his displeasure was deprecated by the bar with especial earnestness. Mr. CLAY, however, on receiving a statement of the merits of the case, assumed its management without hesitation. Upon the trial Col. DAVIESS, who conducted his own defence, was excessively severe upon the tavern-keeper at whose suit he was arraigned. Mr. CLAY replied in a manner which stung the defendant to the quick: and he immediately addressed a note to Mr. CLAY, warning him somewhat sternly against the indulgence of so offensive language. He received in answer that Mr. CLAY intended to manage his client's case without advice from any one and least of all from his client's antagonist. Col. DAVIESS was incensed and sent Mr. CLAY a challenge. It was promptly accepted, but the interference of mutual friends compromised the matter, and a cordial reconciliation was effected.

When the day set down for BURR's trial arrived, the U. S. Attorney again applied for delay on the ground that important witnesses were absent. Mr. CLAY opposed the motion, representing in strong terms the injustice they were doing to the accused by thus advancing charges of so serious import and then denying him, by repeated delays, an opportunity to establish his innocence: he contended that the rights of Col. BURR demanded that the cause should either be speedily prosecuted or finally abandoned; and procured the decision of the Judge that the Attorney must proceed with the trial. The evidence was then sent to the Grand Jury, who returned that, after the closest scrutiny, they could find nothing, in the testimony submitted, to criminate the accused in the

slightest degree ; " nor can we," they added, " from all the inquiry and investigations of the subject, discern that anything improper or injurious to the government of the United States, or contrary to the laws thereof, is designed or contemplated." This verdict was hailed with the loudest applause by the people of Kentucky, and confirmed Mr. CLAY in the belief that he was not entering upon the defence of an unworthy man. What course of conduct he would have pursued, if this had not been his most decided conviction, is shown by his treatment of BURR after his real designs had been unmasked. While in Washington not long afterwards, Mr. CLAY received, from President JEFFERSON, an account of the letter in cypher written by BURR to Gen. WILKINSON and sent by SAMUEL SWARTWOUT, in which he expressly declares that he has commenced operations, that he intends to proceed down the Mississippi, seize upon Baton Rouge, and carry his conquests to the Spanish provinces ; and giving details of his movements and organization which entirely forbade all further belief of his innocence. After this unimpeachable proof of his guilt, Mr. CLAY did not meet BURR until many years had elapsed, upon the return of the former from Ghent. While in New York he entered one of the court-rooms and was, of course, the centre of attraction to all the spectators. While talking with a friend Col. BURR came in, saluted Mr. CLAY, and offered his hand. Mr. CLAY declined to receive it and coldly repelled all BURR's efforts to engage him in conversation.

In December, 1806, Mr. CLAY took his seat in the Senate of the United States, to which he had been elected by the Legislature of Kentucky for a single session, the residue of the term of Gen. JOHN ADAIR, who had resigned his seat,



He found that the attention of Congress was chiefly engrossed by a bill to erect a bridge over the Potomac river at Georgetown ; and, just at the time of his arrival, the measure was under debate in the body of which he was a member. He soon found that his presence at that particular crisis was deemed a matter of special interest : for it had been ascertained that the Senate would be equally divided upon the question and that his vote would, therefore, without a doubt, decide it. Although he was a stranger, he found himself at once surrounded by the citizens of Georgetown, who showered upon him their warmest civilities, in the hope, as he well knew, of influencing his determination in voting upon the bill. He had not a moment's hesitation as to the course he should pursue ; his convictions were strongly in favor of the measure, believing that Congress, beyond a doubt, had the power to construct such works of Internal Improvement as should be found necessary fully to effect the purposes contemplated by the Constitution ; and it is a fact of no slight significance, when taken in connection with his subsequent opinions, when this came to be one of the chief points of disagreement between the two leading parties of the country, that the first effort of Mr. CLAY, in the Halls of Congress, should have been in defence of this great principle, which he just as strenuously urged when its application became of so much higher importance. Many statesmen of great fame, there are among us, who would find essential difficulty in identifying, among the principles they now uphold, any of those upon which they first obtained advent into the national councils. The first speech of Mr. CLAY on the floor of the Senate, was in favor of the erection of this bridge : and, though it was never reported, tradition has handed it down as one of the ablest and most effective ever pronounced, by so young a

member, within the walls of the Capitol. It secured to the measure the support of every member of the Senate who was not bound by a previous pledge to oppose it, and its passage was thereby at once effected. During the same session Mr. CLAY had other opportunities of evincing the maturity of his views upon this subject. He presented a resolution in February, 1807, urging an appropriation for a canal in Kentucky; and made an able report in its favor as chairman of a Select Committee to whom the matter was referred. He also presented at about the same time a resolution to provide for the improvement of the Ohio Navigation, which was adopted by a large majority, in the Senate. Upon his motion, also, a call was made upon the Secretary of the Treasury for all the information in his possession, concerning the opening of canals and the various other works of internal improvement commenced or carried forward under the direction of Congress.

During this first session of Mr. CLAY's service, a motion was made to suspend the *habeas corpus*, for the purpose of giving to the Executive power to arrest, summarily, and without the delays of the law, Col. BURR, the extent and depravity of whose designs were then generally known, but who still was entitled to all the rights granted by the law to any citizen accused of crime. Though Mr. CLAY did not speak upon the motion, by reason of his having so recently been BURR's counsel on his preliminary examination, he voted against it out of a sacred regard for the supremacy of the laws, for a breach of which he believed there was no existing emergency sufficient to justify. It was carried, however, in the Senate, but defeated in the House of Representatives. The law in question, we believe, has never been suspended since the first formation of our government.

In the summer of 1807, his brief Senatorial term having expired, Mr. CLAY returned to Kentucky, and was again elected a member of the Legislature by the citizens of Fayette County. The fact that he had acted as the professional adviser of Col. BURR, whose traitorous schemes had at this time been fully exposed, was used by his unscrupulous opponents, with unrelenting bitterness but most unavailing effect, to excite the popular indignation against him. But the attempt proved utterly futile, and he was elected by a much larger majority than he had ever before received. At the opening of the session he was chosen Speaker of the Assembly by a large majority, and discharged the duties of that responsible office with singular dignity and unequalled skill. He also frequently took part in the debates of the House and on several occasions influenced, in a very evident manner, the decisions of that body. One of the most important topics decided at this session, upon which the voice of Mr. CLAY was heard, was a most unwise proposition to prohibit the reading in a Kentucky court of any British elementary work or law, or the citation of any precedent of a British court. Singular as it may appear, the measure was strongly supported and four-fifths of the House seemed inclined to vote in its favor. They seemed to have been determined to this, not by any well-founded, or even professed, objections to the Common Law in itself or by any apprehension that the administration of Justice would not be secured by an adherence to its universal principles; but by that patriotic, but somewhat illiberal, zeal, which inclined them to regard with hatred and distrust everything of British origin, since they had found her political institutions unsuited to their condition, and less regardful of human rights than those they had sought to establish. With those who were but slightly acquainted with the

true character of this copious fountain of justice, a prejudice of this nature seems very generally to have prevailed. They are accustomed to regard the administration of justice as in a great measure dependant upon the conduct of the government; and they find it difficult to believe that under a political power, founded upon erroneous conceptions of the true nature and purposes of civil authority, and known, in repeated instances, most wantonly to have violated the principles of liberty and of right, the requirements of justice should be either well understood and clearly defined or administered in uprightness and integrity. In the heat of their iconoclastic zeal they shut their eyes to all that is venerable and sacred in this stupendous fabric of ancient wisdom, built up by centuries of devoted labor, and consecrated by the sanction of ages; and draw a feeling, from its very age, of hostility to its precepts and distrust of its principles: like the bold Rob Roy of Wordsworth, untutored in the lessons of time, they are ready to exclaim, with indignant enthusiasm,

“What need of Books?”

Burn all the Statutes and their shelves!”

This prejudice in the Legislature of Kentucky seems to have had unusual strength; and it was in direct and almost hopeless opposition to the prevailing temper, that Mr. CLAY raised his voice against the dangerous desecration they were about to commit. He regarded with a veneration too profound, to look with complacency upon its downfall, this stupendous trunk of judicial freedom—sown in terror, nursed by tempests, and planted deep in the constitution of society by the storms and whirlwinds with which, from its earliest infancy, it had successfully wrestled. The display of eloquent remonstrance

which he made, against the proposed measure, is said to have been of overwhelming vehemence and rarely equaled power. He found in the course of the discussion, that, if he would rescue from destruction anything of the magnificent structure which he regarded with such sincere admiration, he could only hope to do it by a compromise; and he accordingly introduced a motion to exclude from the Kentucky courts only those British decisions which have been made since the date of our Declaration of Independence. To the support of this amendment his whole exertions were directed. He showed clearly, and with prevailing force, that previous to this time both nations were one, and that a rejection of the former legal decisions of Great Britain would be in effect the rejection of our own. Notwithstanding the great popularity of the original resolution, the arguments and eloquence of Mr. CLAY secured for his amendment a large majority; and thus, in the legal proceedings of the Kentucky courts, the great body of the common law still preserved its authority and supremacy.

At the session of 1808, of which Mr. CLAY continued a member, he was brought into collision with Mr. HUMPHREY MARSHALL, of whom mention has already been made in connection with the proceedings against AARON BURR. He had distinguished himself by the fierceness of his attacks upon the Judges of the Court of Appeals, and indeed upon every man who was at all active in support of President JEFFERSON and the Democratic policy. Mr. CLAY, of course, had not escaped his hostility. He had assailed him repeatedly in the newspapers of the day and came into the Legislature by a small majority, as a well-known and by no means contemptible opponent of the Speaker of the House. It was, indeed, generally expected that a warfare upon Mr. CLAY would be

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the chief feature of his legislative career: and, in order that the latter might the more freely meet him in debate, he was not re-elected to the office of Speaker. During the early part of the session occurred the first collision between them; and although the issue may, perhaps, scarcely with justice be cited as an evidence of their respective strength in the Assembly, it will at least exhibit the early devotion of Mr. CLAY to the principles of JEFFERSON and the unanimity with which he was sustained by the public sentiment of his now adopted State. Mr. CLAY, in December, introduced a series of resolutions, approving the Embargo, denouncing the British Orders in Council, pledging the co-operation of Kentucky to any measures of opposition to British exactions, upon which the general government might determine, and declaring that "THOMAS JEFFERSON is entitled to the thanks of his country for the ability, uprightness and intelligence which he has displayed in the management both of our foreign relations and domestic concerns." In opposition to these resolutions Mr. MARSHALL introduced a series denouncing the embargo and in general disapproval of the administration of Mr. JEFFERSON. On taking the question these amendatory resolutions were rejected by a vote of sixty-four to one—Mr. MARSHALL being the only member who voted in their favor; and Mr. CLAY's were then adopted by the same vote. Soon after this Mr. CLAY again encountered his enemy upon a resolution introduced by the former in behalf of Protection to American Industry. He proposed that each member of the Legislature, in order to evince the sincerity of his devotion to this essential principle, should clothe himself wholly in garments of domestic manufacture. The introduction of this resolution gave Mr. MARSHALL an opportunity, of which to the full extent he availed himself, to lavish upon its author a variety

of epithets, as personally insulting as they were grossly in violation of all the rules of parliamentary order and gentlemanly decorum. Harsh and stinging words on both sides followed; and Mr. CLAY, in obedience to the laws of honor as they were laid down in the unwritten Kentucky code, challenged his assailant to single combat. They met upon the field, fought with pistols and were each wounded, Mr. CLAY, at the second shot, slightly in the leg. The opinions and conduct of Mr. CLAY with regard to duelling will become, more fitly, a subject of consideration at another point of this biographical sketch. That they were at variance with each other no one, who knows his character and his life, need be told.

One of the latest acts of general importance, performed by Mr. CLAY while he was a member of the State Legislature, was his report upon a contested election, at the closing session of his term of State service, in 1809. At the election immediately previous, the citizens of Hardin county had cast 436 votes for CHARLES HELM, 350 for SAMUEL HAYCRAFT, and 271 for JOHN THOMAS. Two of these men were entitled to seats; but, at the time of the election, Mr. HAYCRAFT held the office of Assistant Judge of the Circuit Court; and the Constitution of the State declared, that any person holding an office of trust or profit under the commonwealth should be ineligible to a seat in the general assembly. By an act of 1795, this was declared applicable, under certain conditions, to sheriffs and their deputies; and another act of December 18, 1800, required persons holding office incompatible with a seat in the Legislature to resign them before they were voted for; and provided that all votes given to any such person before such resignation, should be utterly void. Under

these circumstances, on motion of Mr. CLAY, a committee was appointed to inquire, first, whether Mr. HAYCRAFT was entitled to his seat; and, if not, whether Mr. THOMAS was. Mr. CLAY, of course, was appointed Chairman of the Committee, and made a report upon the case which was unanimously adopted, and has since continued to be the guiding precedent in Kentucky elections. In this report he returned that Mr. HAYCRAFT was clearly not entitled to his seat; and reversed the decision of the British House of Commons, in the well-known case of Mr. WILKES, by declaring that the seat was vacant—since it could never be intended that the disqualification of one candidate, should serve instead of a majority of the popular votes, and thus give the election to a competitor. The votes could be regarded as utterly void only so far as the ineligible candidate for whom they were cast was concerned: for they were given by those who had a right to vote, and could not, therefore, be rejected as if they had never been thrown.

Thus were closed the services of Mr. CLAY in the Legislature of his native State; for he was now chosen to fill the vacancy in the United States Senate occasioned by the resignation of Hon. BUCKNER THURSTON, two years before his term expired. During his legislative career thus far Mr. CLAY had recommended himself strongly to the respect and affection of the people of Kentucky, not less by the ardent devotion he had uniformly manifested to her true interests and to the best good of the country, than by the high ability and the splendid eloquence by which he had always enforced his views and given them weight with his fellow members of the State Legislature. He was now to enter upon a more exalted sphere of public service, and he carried with him the



entire confidence of the noble State with the care of whose interests he was more especially entrusted. Henceforth his public history becomes intertwined with that of the nation's glory.

He took his seat a second time in the Senate in the winter of 1809-10; and his first speech was in farther developement of the principles he had before avowed, on the subject of American Industry; and served indeed as the initial step which led to the establishment of the AMERICAN SYSTEM, of which he afterwards became the distinguished champion. This was the first occasion on which the policy of Protection had ever been distinctly advanced and directly advocated in our national councils. It had before been occasionally suggested in Executive Messages and other public documents, but was evidently regarded as too bold a measure for an infant government. Its agency in enriching, and in giving importance and security to the governments of the old world that had adopted it, was clearly perceived; and few doubted its expediency as a fundamental condition of national prosperity. But the circumstances of our advent into the family of nations and the comparatively slight degree of power and importance to which we had then attained, seemed to shut out all thought of placing ourselves at once upon the high ground of Industrial, as we had already done of Political, Independence, and kept us for years in point of fact, colonies of Great Britain. We had been accustomed to look to England, who really performed the mechanic labor of nearly all the world, for the manufactures of which we found ourselves in need. We regarded her inventive and mechanical genius, by which she had rendered her machinery and other means of labor so perfect, as defying all competition and

forbidding all hope of rivalry. We had, therefore, been content to impose upon articles of foreign growth and manufacture only such import duties as should, in connection with domestic imposts, supply the small amount of revenue demanded for the support of government.

But the aspect of affairs was now becoming changed ; and sagacious statesmen saw at once that, in whatever security we might hope to repose in time of peace, the approach of war would at once make absolutely necessary the encouragement of our own manufacturing industry. The events of that day showed too that we could not hope, by any prudence of our own, always to escape the hazards of foreign hostilities ; for so long as the mutual relations of trans-Atlantic powers remained beyond our control, we could never be free from the danger of being in some way involved in their contests. War then with Great Britain would cut us off at once from all supplies from that nation, on which, with the strongest confidence, we were accustomed to rely ; and an absolute necessity was thus foreseen of building up for ourselves resources which should be beyond the influence of these foreign causes. In this condition of affairs a bill was pending in the Senate to appropriate a sum of money to procure supplies of cordage, sail-cloth and other munitions of war, as the aspect of our foreign relations was at that time far from satisfactory. An amendment had been proposed to the original bill, directing that in the purchase of specified articles preference, as far as possible, should be given to those of American growth and manufacture. This amendment had met the strenuous opposition of Mr. LLOYD, a Senator from Massachusetts, and out of his remarks, and those which followed, grew a discussion of the general policy of promoting Domestic

Manufactures by a Tariff of Protection. Mr CLAY embraced the opportunity to declare himself the earnest, unwavering advocate of that policy, as the only one that could elevate the nation to that Independence of all Foreign powers at which she ought to aim. The speeches by which he maintained his positions on this occasion were plain, simple statements of matters of fact, with the clearest and most evident deductions therefrom. They contained no efforts at eloquent display—but presented, directly and forcibly, his cherished opinions upon the general subject under debate. He thus admirably portrayed the feeling of servile dependence upon England which up to that time had seemed to mark all our institutions :

“For many years after the war,” said he, “such was the partiality for her productions, in this country, that a gentleman’s head could not withstand the influence of the solar heat, unless covered with a London hat ; his feet could not bear the pebbles or the frost, unless protected by London shoes ; and the comfort or ornament of his person was consulted only when his coat was cut out by the shears of a tailor *just from London*. At length, however, the wonderful discovery has been made, that it is not absolutely beyond the reach of American skill and ingenuity, to provide these articles, combining with equal elegance greater durability. And I entertain no doubt that in a short time, the no less important fact will be developed, that the domestic manufactures of the United States, fostered by government and aided by household exertions, are fully competent to supply us with at least every necessary article of clothing. I therefore, *for one* (to use the fashionable cant of the day,) am in favor of *encouraging them* ; not to the extent to which

they are carried in England, but to such an extent as will redeem us entirely from all dependence on foreign countries."

In opposition to the arguments advanced by Mr. CLAY, in favor of protecting and aiding manufactures at home, those hostile to the policy held up the wretchedness and degradation of the poor in the principal manufacturing towns of Great Britain, as certain to overtake our American laborers if the same manufacturing policy should be adopted here which has confessedly done so much to elevate the British nation far above her less politic rivals. In reply to this Mr. CLAY urged, as he hinted in the above extract, that we were not to seek to become the rival of England in manufacturing for all the markets of the world: he did not desire to see manufactures promoted to the same extent and with the same motives as in Great Britain. But he maintained that we ought to produce for ourselves the articles that we need for our own consumption, and thus render ourselves wholly independent of foreign nations. Then, if war should overtake us, or if foreign powers should refuse to give us their products on terms of fair and mutual reciprocity, we could close our ports and throw ourselves upon our own resources, which would thus easily be made sufficient for all our wants. "A judicious American farmer," said Mr. CLAY, "in the household way, manufactures whatever is requisite in his family. He squanders but little in the gewgaws of Europe. He presents in epitome, what the nation ought to be *in extenso*. Their manufactures ought to be in the same proportion, and effect the same object in relation to the whole community, which the part of his household employed in domestic manufacturing, bears to the whole family." Thus eloquently defending the general Principle of Protection,

Mr. CLAY demonstrated, if possible, still more clearly the expediency of adopting the measures proposed in the specific amendment under debate : that we should go to the territory of a nation with whom we expected soon to be at war to procure of her munitions for the contest, seemed too palpably absurd to need any extended argument. The amendment was carried by a decided majority, and, under its effect, highly advantageous contracts were made, for the various articles needed, with capitalists of the United States; an impetus was also given to the cause of Home Industry which ultimately led to still more important legislation.

During the same Congressional session occurred the debate on the conduct of President MADISON in taking possession of the disputed territory of West Florida—extending from the river Perdido on the East to the Mississippi on the West. The causes which led to this summary act were such as made it a matter of necessity. The original dispute as to jurisdiction was between France and Spain, from the former of whom the United States had purchased the territory in 1803. Spain, however, claimed to own it and exercised jurisdiction over it. The inhabitants of the western portion revolted, and were said to have evinced a willingness to listen to British emissaries, who had been sent among them; and thus to grant a rival power a strong foothold upon our Southern border. The Proclamation of the President annexed the territory to the United States; and for this act he was attacked with great violence and force of argument, by the Federal party in Congress, Mr. HORSEY, of Delaware, being at their head in the Senate. His speech was able and impressive; but it was most triumphantly answered by Mr. CLAY on the 25th of December. His argument upon this occasion was

mainly historical and extremely close:—he did not deviate at all from the main point at issue, though he dashed aside the extraneous considerations by which the members of the opposition sought to prevent an approval of the Proclamation. Both as one of the earliest, and one of the best, specimens of his argumentative eloquence, aside from its intrinsic worth, this speech of Mr. CLAY is eminently deserving an attentive perusal. It had great weight when pronounced in the Senate, gaining the support of many of those who had previously been among the warmest opponents of the measure he had vindicated, and securing, by a handsome majority, the approval of this timely Proclamation of the President.

Though the part he took in the debate upon this question has most general interest, still the other legislative labors of Mr. CLAY at this session were both arduous and important. He mingled in nearly all its discussions, and, as a member of several of the most important committees of the Senate, performed an amount of labor rarely surpassed by any member of any legislative body. In March he reported, for the committee to whom the subject was referred, a bill granting right of pre-emption under certain conditions to purchasers of western public lands—which was adopted by the Senate; and soon after procured the passage of an act more effectually to regulate trade and commerce with the Indian tribes and to preserve peace on the frontier. In the latter part of April, being greatly exhausted by the fatigues and labors of Senatorial service, he obtained leave of absence for the remainder of the session.

The principal topic of the next session, in the winter of 1810-11, was that of the re-charter of a Bank of the United

States. The Legislature of Kentucky had instructed him to oppose the bill, and his own opinions led him in the same direction. A strong prejudice against the Bank was abroad in the public mind, and many considerations gave to it the weight of well-founded conviction. The mere fact that the measure had its origin with the Federal party, was sufficient, in the minds of many friends of the existing administration, to secure their opposition. President MADISON was at that time known to be opposed to it on constitutional grounds; though Mr. W. H. CRAWFORD, a leading member of the Democratic party, with several of his prominent friends, strenuously advocated the re-charter. But the fact which, perhaps, gave most weight to the opposition was that, at that time by far the largest portion of the stock of the United States Bank was owned by, and under the control of, foreign capitalists, mostly inhabitants of Great Britain; and the evident facility with which, in case of national difference with that power, the influence thus placed in their hands might be employed to our serious injury, awakened the fears and secured the hostility of many who doubted not the power of Congress, under the constitution, to create such a corporation. At that time, too, the company of stockholders was under much less restraint, and had a far more absolute control over the Bank, than was afterwards entrusted to its care. That these considerations had no little influence with Mr. CLAY we learn from his speech in opposition to the Bank delivered at this session. To these views he always adhered; and in the charters to which he subsequently gave his support these features, so objectionable in this, were essentially modified. But he had at that time a still more vital objection to granting a charter for any National Bank; and the development of this constituted, in fact, the main portion of his very able

and eloquent argument on that occasion. He contended that the power to charter companies was not specifically given in the constitution, and furthermore, that it was of a nature which forbid its transfer by implication. The extended interests it embraced, and the vast compass of the power itself, were the chief points upon which he dwelt, in maintenance of his position. He unquestionably made one of the strongest arguments ever advanced against a National Bank; and the fact that his opinions, at that early day, are cited, at the present, by the opponents of such an institution, as the firmest basis of their opposition, conveys no slight tribute to his logical power and intellectual ability. He lived himself, however, to see the weakness of his arguments and the falsity of the conclusion to which they led him. The grounds upon which he was induced to change his opinions upon this subject will become the topic of remark in another and more appropriate place. His efforts in the Senate, however, were successful against the combined forces of the federalists and a strong portion of the democratic party. The bank charter at that time was not renewed.

At the expiration of his brief Senatorial term, Mr. CLAY returned to Kentucky. But the reputation he had already acquired, as an active, eloquent and influential member of the national legislature, secured his speedy return to its halls; and at the opening of the special session of Congress, on the 4th of November, 1811, he took his seat as a member of the House of Representatives, and upon that very day, the first of his appearance upon the floor, he was elected Speaker of the House, receiving 75 out of the 128 votes cast—Hon. GEORGE W. BIRB, of Georgia, being his opponent. He accepted the responsible office, in a brief but neat and perti-



ment speech. This, we believe, is the only instance on record in which the confidence of Congress has been yielded, in so marked a manner, to any person at his first entrance as a member. The distinguished ability with which Mr. CLAY had discharged the duties of a similar office in the Legislature of Kentucky, added to his wide and most honorable reputation as a rising statesman of surpassing talents and remarkable energy of character, won for him, thus early, this high distinction.

The condition of the country, which had rendered necessary this early convention of Congress, was highly critical. Hopes had been entertained, at the close of the preceding session, that the British government would repeal her Orders in Council, since the causes which first led to their promulgation had been deprived of their original force by the formal revocation of the edicts of France. But instead of this, they were put into a still more vigorous execution, under the pretence that the Berlin and Milan decrees had not been *effectually* repealed; and, although Great Britain, through her minister, Mr. FOSTER, in his official correspondence with Secretary MONROE, expressly admitted, that no blockade could be binding which was not supported by an adequate force, she still demanded of the United States a rigid observance of her orders closing the ports of France, from the Elbe to Brest, against vessels that did not carry on their trade through Great Britain, while there was no pretence that, at any time, there had been on the French coast a force sufficient to enforce the prohibition. England was thus aiming a deadly blow at the commerce of the United States, a neutral nation, merely to obtain revenge for an empty threat thrown out by France in her Berlin and Milan decrees. Our vessels

were constantly seized upon the ocean, on suspicion of an intention to violate this paper blockade : they were pursued to the very mouths of our harbors ; and upon a recent occasion, that of the President and Little Belt, an American frigate had been fired upon, wantonly and without provocation, by a British cruiser. Added to this cause of just complaint was the impressment of American Seamen upon suspicion that they were British subjects. The right to search our ships had been officially asserted and repeatedly exercised ; and under protection of this unfounded claim, our brave countrymen had been forced into the service of their enemies, and, at the date of which we write, more than seven thousand men were thus held in captivity. The attempted negotiations upon these questions, and others of minor but still formidable importance, at issue between the two nations, had failed of success ; and Congress was now convened to devise measures, either to avert the impending danger, or to provide for vigorous and manly resistance to these repeated and outrageous aggressions.

The message of President MADISON briefly recapitulated the causes of complaint against Great Britain, and urged an immediate and effectual vindication of our national honor. It recommended the increase of the Army and the Navy, an adequate provision of cannon and other munitions of war, the encouragement of our home manufactures, as at all times of great and manifest, but then of more urgent, importance, and a general preparation for war with Great Britain. The receipts of the Treasury for the year had been above thirteen and a half millions, sufficient to defray the current expenses, to pay the interest on the public debt and to discharge more than five millions of the principal.

The message of the President was referred to a Select Committee of which, with high sagacity and patriotism, Mr. CLAY had appointed Hon. PETER B. PORTER, an able and zealous Republican from New York, the Chairman, and had associated with him a majority whose political feelings accorded with his own. The report of the Committee was presented in the House on the 29th of November. It was brief but most eloquent and patriotic in its tone. It began by a recapitulation of the wrongs which had been committed against us, by the two leading powers of Europe, and by a glance at the condition into which they had brought all the great interests of the nation. France, for more than five years, in execution of her oppressive Berlin and Milan decrees, had seized the property of our citizens, and carried derangement and ruin into our commerce upon the high seas, in the endeavor to cripple the ocean prosperity and power of her British foe. Great Britain, by her Orders in Council, having for their professed purpose retaliation for the injuries she had sustained from France, had laid waste the remaining half of our foreign trade. Thus menaced on both sides, after all appeals to the magnanimity and justice of these two great powers had been made in vain, the United States, in self-defence, in May, 1810, had adopted the non-importation law, at the same time offering important commercial advantages to that nation which should first revoke her hostile edicts. France soon accepted the proffered terms and repealed her injurious decrees. But Great Britain refused to fulfil her promise and proceed *pari passu* with her foe in the restoration of amity with a neutral nation, until the whole French system of commercial warfare, adopted in connection with her continental allies, and of which the late decrees formed a part, should be abandoned: thus in effect demanding, that,

as a condition of peace with us, we should compel France and the continental powers in league with her, to receive British goods and British produce. These arrogant pretensions had been followed up by a desolating war upon our commerce, and by seizing, condemning, and confiscating our ships at the very mouths of our harbors. After a slight allusion to the continued impressment of American seamen, the Committee reported this eloquent and stirring passage :

“ To wrongs so daring in character, and so disgraceful in execution, it is impossible that the people of the United States should remain indifferent. We must now tamely and quietly submit, or we must resist by those means which God has placed within our reach. Your committee would not cast a slander over the American name, by the expression of a doubt which branch of this alternative will be embraced. The occasion is now presented when the national character, misrepresented and traduced for a time, by foreign and domestic enemies, should be vindicated.

“ If we have not rushed to a field of battle like the nations who are led by the mad ambition of a single chief or the avarice of a corrupted court, it has not proceeded from a fear of war, but from our love of justice and humanity. That proud spirit of liberty and independence which sustained our fathers in the successful assertion of their rights against foreign aggression, is not yet sunk. The patriotic fire of the Revolution still burns in the American breast with a holy and extinguishable flame and will conduct this nation to those high destinies which are not less the reward of dignified moderation than of exalted valor.

"But we have borne with injury until forbearance has ceased to be a virtue. The sovereignty and independence of these States, purchased and sanctified by the blood of our fathers, from whom we received them, not for ourselves only, but as the inheritance of our posterity, are deliberately and systematically violated. And the period has arrived when, in the opinion of your Committee, it is the sacred duty of Congress to call forth the patriotism and resources of the country. By the aid of these and with the blessing of God, we confidently trust we shall be enabled to procure that redress which has been sought for by justice, by remonstrance, and forbearance in vain."

The Report concluded with a resolution providing for the immediate and adequate increase of the military force of the United States.

By the great majority of the people, this Report was received with loud rejoicings. It expressed, forcibly, their long cherished resentments, and embodied, in definite form, the preparations for redress which they had long desired to witness. The doctrines of that report were thoroughly and emphatically those of Mr. CLAY. It was through their influence that he had been led to appoint upon the committee, a majority of members known to be strongly in favor of War with England, as the only alternative that remained to us, if we cared to preserve our national honor; and the reception it met from the people, amply justified the bold confidence he had reposed in their patriotic and self-denying virtue. But there was not the same unanimity in Congress, nor indeed among the active politicians throughout the country, in favor of the hostile policy recommended by the President. The

difference of opinion on the subject seemed to arise, rather from the influence of previous occurrences in our foreign relations, than from any serious doubt concerning their existing aspect. The difficulties with France, sustained as that nation had been by a strong party in our own country, had aroused a feeling of ardent admiration of her haughty foe, and had given birth to a sentiment,—by no means co-extensive with that of disgust at the excessive adulation which had been ready to offer, in sacrifice, national honor and independence, to the bare name of the French Republic,—of unreasonable reverence and awe-struck wonder at the power and greatness of the British monarchy. In Congress, and especially in its lower branch, this feeling was entertained by a body of men, not formidable in numbers, but strong in talent and resolute determination. Added to this was a firm belief that the country was not in a situation to carry on successful war with a nation so powerful and so unyielding as England. The Army was small and indifferently supplied; the Navy was depressed; the Treasury empty; a considerable debt on hand, and the general resources of the nation undeveloped and unavailable in an offensive warfare. These circumstances had weight with many men of sound judgment and of an undoubted attachment to the institutions of their country, which shone forth with even increased brightness from their unwillingness to subject their stability to the peril of a long contest with the mightiest nation on the globe. In opposition to these men the Republican party, as it was called, had champions of overwhelming strength, and the decided advantage in point of justice, as of numbers. At their head stood Mr. CLAY, equal to the noblest, in the sincerity of his patriotic devotion to his country's good, and their decided superior in commanding talent and in the boldness and vigor

of his projected plans. On the 6th of December the report was taken up in Committee of the Whole. Its positions and recommendations were vindicated by Mr. PORTER in a brief and lucid argument, and the reported resolutions were adopted. For several days they were then discussed in the House, by the ablest members of both parties. Mr. CLAY being in the Chair, had no opportunity to speak upon them. The debate was conducted with great spirit and ability, and the general tone of remark, from both parties, was in favor of unbending opposition to the encroachments of Great Britain. There were some, however, who were decidedly averse to extreme measures, thinking that farther negotiation might produce results which years of ardent and unremitted exposition had failed to effect. The strongest of these in debate was unquestionably Mr. RANDOLPH, of Virginia; and his power lay rather in the fierceness of his personal invective, which he lavished, with an unsparing hand, on all who upheld measures he deemed unwise, and in the splendid eloquence with which he surrounded every subject on which he spoke, than in any clearness of logical reasoning or any effective appeal to the sympathies and the passion of his hearers. In his remarks upon the resolutions reported by the Committee on Foreign Relations, he had menaced the advocates of war with the loss of their political power, and exalted the power of England, as far too great to assail and defy, with hopes of success. He protested, with great violence, against the censure bestowed upon those suspected of attachment to the institutions of Great Britain, and vindicated her hostility to France as a contest against Bonaparte—"a tyrant who ground down men to a mere machine of his impious and bloody ambition." He and his colleagues were opposed, on the question of war, by able men of the Republican party—

by PORTER, CHEVES, GRUNDY, and others; and at the close of the debate the resolutions were successively adopted by large majorities.

The subject was then sent to the Senate, and a bill was soon returned and reported to the Committee of the Whole, to raise a military force of twenty-five thousand men, in addition to the six thousand already voted. Mr. CLAY had now an opportunity to speak upon this specific recommendation of the bill as well as upon the general question, of the policy of declaring war against Great Britain. His remarks were calm though spirited—presenting a clear and conclusive argument in opposition to the declamation by which the course of the President had been assailed. The various objections, which the timid advocates of a peaceful policy had urged, to the enlistment of an army, were met by clear statements and by demonstration to which assent could not be refused; and the patriotism of the House was most eloquently invoked in aid of the country at that trying crisis of our national affairs. Several unessential amendments were afterwards proposed, only one or two of which were adopted, and the bill finally passed its third reading by a vote of 94 to 34; giving a much greater majority in its favor than its most sanguine friends, previous to the speech of Mr. CLAY, had dared to hope.

The action of Congress met the cordial approval of nearly all the State Legislatures; and, at an early day, Kentucky arrayed herself by the side of those who pledged their whole resources, in aid of the general government, in opposition to the unjust oppression of Great Britain. This course is the more honorable to her stern and high patriotism, from the



fact, that, being an inland State, she suffered no direct and immediate injury from the aggressions upon our commerce and the impressment of our seamen, which were the most serious causes of complaint against the British government. On the 16th of December a series of resolutions was adopted by the Legislature, presenting, in a rapid sketch, a view of the wrongs we had sustained, declaring that, "should we tamely submit, the world ought to despise us—we should despise ourselves—England herself would despise us;" and that, "when she should learn to respect our rights, we shall hasten to forget her injuries;" and resolving, that, "as war seems probable, so far as we have any existing evidence of a sense of justice on the part of the government of Great Britain, the State of Kentucky, to the last mite of her strength and resources, will contribute them to maintain the contest and support the right of their country against such lawless violations; and that the citizens of Kentucky are prepared to take the field when called on." Thus nobly was Mr. CLAY sustained in the decided stand he had taken, by the Legislature of his own confiding State.

Soon after the adoption of this measure, the other recommendations of the President were acted upon; and a bill was reported to the House, in Committee of the Whole, by the Committee of Foreign Relations, through Mr. CHEVES, their chairman. The portions which made large appropriations for repairing the vessels on hand, were passed by large majorities, with but little debate. The section of the bill which provided for building a number of new frigates, gave rise to extended and animated discussion. Mr. CHEVES moved to fill the blank with *ten*; and on the motion of Mr. RHEA, of Tennessee, to strike out the section altogether, was renewed the

debate on the general policy of the war with Great Britain. The motion of Mr. RHEA was supported by himself, by Mr. BLACKLEDGER, of N. C., Mr. BOYD, of N. J., and Mr. SMITH, of Pa.; and opposed, in extended and masterly arguments, by the Chairman of the Committee on Foreign Relations, Mr. CHEVES, Mr. CLAY, and several other able members—the discussion extending through many days. The argument of Mr. CLAY, though it glances at the general grounds for war, is directed principally to a vindication of the Navy from the suspicious jealousy to which it is often subject; and aims to show that the whole Western section of the country is as immediately benefited by the creation and maintenance of a naval force as are the Atlantic States. It is a proud proof of that noble love for the whole Union, in distinction from sectional and local attachments, which has always distinguished his public acts. On taking the question, on the 22d of January, the motion to strike out the section was lost, by a majority of five; but the next day a motion to re-consider prevailed, and the section was excised. In the House, when the bill was reported from the Committee of the Whole, the question of agreeing with the Committee, to strike out this section for building additional frigates, was discussed on the 24th and subsequent days; on the 27th the vote was taken and the agreement was carried; 62 ayes to 59 nays. So this part of the bill failed of success; but the remainder was carried into effect with so much energy, and the naval operations were conducted with so much vigor and military skill, that, upon the ocean, our gallant force performed exploits which, by their brilliant daring and splendid success, amazed the old world and exalted the new. Throughout the whole struggle Mr. CLAY proved himself the ardent and liberal friend of the Navy. He appreciated its importance in national defence,

and constantly advocated its increased power and efficiency. In the debates that followed, which were usually of but minor importance,—the general policy of the government, in regard to her foreign relations, having already been marked out and the chief military measures decided upon,—though prevented by his official station from any general participation, Mr. CLAY gave to the administration of President MADISON his most earnest support. He was thoroughly identified with the Republican party, and it was to his inspiring words, in no slight degree, that the nation was indebted for the boldness and courage with which she entered upon the war.

Previous to the actual commencement of hostilities, the attention of Congress was occupied by various questions of interest and importance. The papers transmitted to Congress by the President, on the 9th of March, developing an attempt on the part of the British government, through a Mr. HENRY, as secret agent, to sound the party opposed to the war, with intent to divide the Union, and secure the Northern section as an ally of Great Britain, awakened the deepest indignation of the whole country, and tended to arouse a bitter hostility against that party, though the name of not a single American was mentioned in connection with the treasonable intrigues which were thus exposed. They had a better effect, in exhibiting to our citizens the unscrupulous fidelity with which their ancient enemy adhered to the unprincipled maxim, that “the means were justified by the end;” and led them to regard, with far more suspicion, the professions of friendship under which she was continually seeking to cripple our growing power and undermine our prosperity. In connection with her occurrences, their influence was to ripen the sentiment

of the American people for war. Still there was a feeling throughout the country, which was sedulously fostered by the leading men of the federal party, that the administration had threatened hostility with but slight intention of actually prosecuting it: a long time had now elapsed since the conduct of Great Britain had been subject of complaint, and as yet no effectual measures of resistance had been adopted. The commerce of the nation continued, therefore, to be nearly as extended as before, and there was at this time afloat upon the ocean an immense amount of American property, which, in the event of war, would be lost to ourselves and fall into the hands of our enemy. On the 1st of April, 1812, therefore, the President sent a message to Congress, recommending the "immediate passage of an embargo on all vessels then in port or hereafter arriving, for a period of sixty days." The message was immediately referred to the Committee on Foreign Relations and a bill reported by Mr. PORTER was referred to the Committee of the Whole.

The debate which ensued was of intense and exciting interest. Mr. CLAY was one of the first to express his warmest satisfaction at the proposal of this measure. "I approve of it," said he, "because it is to be viewed as a direct precursor to war." He sketched, in vivid outline, the injuries and wrongs we had sustained from Great Britain, and said he pitied that man, for his sense of honor, who would not repel them by open and avowed hostility. He was not at all alarmed at the want of preparation, of which so much was said by gentlemen on the other side: there was no terror in the war, he said, except what arose from its novelty. "As an American and a member of that House he felt proud that the executive had recommended the measure."

Mr. RANDOLPH opposed the embargo with all his wonderful power, and declared that it was not to be regarded as an initial step to war—but as a subterfuge—a retreat from battle. “Sir,” said he, “we are now in secret conclave: the eyes of the surrounding world are not upon us; but the eyes of God behold our doings. He knows the spirit of our minds. Shall we deliberate upon this subject with the spirit of sobriety and candor, or with that spirit which has too often characterised our discussions like the present?” “We ought to realize,” he said, “that we are in the presence of that God who knows our thoughts and motives, and to whom we must render an account for the deeds done in the body.” He treated the proposed declaration of war as too absurd a measure to be entertained for a moment. “What new cause of war,” he asked, “or of an embargo has arisen within the last twelve months? The affair of the Chesapeake is settled: no new principles of blockade have been interpolated in the laws of nations. Every man of candor would ask why we did not, then, go to war twelve months ago.”

Mr. CLAY, in reply, uttered words burning with patriotic zeal and concern for the honor of his country. “The gentleman from Virginia,” he said, “need not have reminded them, in the manner he had, of that Being who watched over and surrounded them. From this sentiment we should draw very different conclusions from those which occurred to him. It ought to influence them to that patriotism and to a display of those high qualifications so much more honorable to the human character.” “And now,” said he, “the gentleman asks, what new cause of war has been avowed? The affair of the Chesapeake is settled, to be sure, but only to paralyze the spirit of the country. Has Great Britain abstain-

ed from impressing our seamen—from depredating upon our property? We have complete proof, in her capture of our ships, in her exciting our frontier Indians to hostility, and in her sending an emissary to our cities to excite civil war, that she will do everything to destroy us: our resolution and spirit are our only dependence. Although I feel warm upon this subject," said he, "I pride myself upon those feelings, and should despise myself if I were destitute of them."

The debate was continued at considerable length. Mr. RANDOLPH repeated his opposition to the war and to the embargo, and declared that he had "known gentlemen not inferior, in gallantry, in wisdom, in experience, in the talents of a statesman, to any upon the floor, consigned to oblivion, for advocating a war upon the public sentiment." Mr. CLAY pointed him to the glowing and patriotic resolutions of fourteen State Legislatures, for the indications of public sentiment, and said that there were no divisions in the Southern and Western States; Federalists and Republicans were united for war. Hon. JOSIAH QUINCY, of Massachusetts, opposed the embargo, with all the eloquence and ability of which he was confessedly master. He treated it as an act of treason to the interests of the country, and its enactment as an outrage upon common sense. He avowed that he, with some of his colleagues, had sent expresses to the Eastern cities, announcing the undoubted establishment of an embargo, that merchants there might sail their ships before it should go into force. "We did it," said he, "to escape into the jaws of the British lion and of the French tiger—which are places of repose, of joy and delight, when compared with the grasp and fang of this hyena embargo." Mr. CLAY, and his fellow republicans, replied to all this wrathful declamation by

spirited appeals to the sense of honor, which should always arouse to arms in revenge for national insult ; and gave clear detailed statements of the real strength and resources of the country. The bill was read twice the day it was reported : a motion made by Mr. BOYD, of N. J., to amend by establishing the embargo for 120 days, instead of 60, was lost, by a vote of two to one ; and the bill, on the 3d, was finally passed, by the decisive vote of 70 to 41. The bill was then sent to the Senate, where it was amended by substituting ninety days, instead of sixty, as the term for which the embargo should be continued. Thus amended it became a law, by the concurrence of the House and the signature of the President, which it received on the 4th of April.

Thus was taken by the nation the first preliminary step to a declaration of war with Great Britain. It was received with general favor by the people, although in different sections of the Union it was opposed from the same motives which had prompted hostility to its enactment. The attention of Congress was now engaged in making effective preparation for the contest, which was clearly inevitable. To the minds of the people and of the republican members of the House, there seemed to be an unreasonable delay in bringing matters to a crisis. It was feared that the temporizing policy which had been, to too great an extent, pursued, would repress the spirit of hostility and relax the energies of the country, in the prosecution of a war, which, it was evident, could not with honor be avoided. Negotiations were still carried on with Mr. FOSTER, the acting British minister, and at various times he held out hopes that an amicable adjustment of existing difficulties might be effected. But it was, throughout, evident, that no concession was purposed ; and it was resolv-

ed that a deputation of members should, in a conference with President MADISON, urge upon him the necessity of more active and vigorous preparation, and of a speedy declaration of hostilities. Mr. CLAY, at this formal meeting, explained to the President the feelings of Congress and of the People on the subject of war with Great Britain, urged the futility of seeking for a peaceful adjustment, and insisted upon cutting short the argument with her minister, which had long since been exhausted, and appealing to arms and to the God of battles for the vindication of our rights. The same policy was urged by Mr. CLAY in all his remarks, both in and out of Congress: and in his appointment of Committees and in the general discharge of his official duties his efforts were constantly directed to the same object. The President himself, though thoroughly impressed with the conviction that war was inevitable, manifested extreme caution, and even timidity in entering upon it: and a portion of his cabinet, especially the Secretary of the Treasury, Mr. GALLATIN, were strenuously opposed to a hostile policy. On the 1st of June, however, President MADISON transmitted to the House a Message, in which the outrages perpetrated by Great Britain against the United States, were summed up in a clear, forcible and eloquent sketch: the efforts we had made to obtain redress, with their fruitless results, were detailed, and the message recommended, to the early consideration of Congress, the question whether the United States should "continue passive under these progressive usurpations and these accumulating wrongs, or, opposing force to force in defence of their natural rights, should commit a just cause into the hands of the Almighty Disposer of events." On the 18th the Committee of Foreign Relations, to which the Message was referred, made a long report in vindication of their



recommendation of an "immediate appeal to ARMS;" on the same day the act of declaration passed both houses of Congress and became a law, and on the 19th the Proclamation of War was issued by the President.

During the last few days of the debate, Mr. CLAY became involved in a personal difficulty with Mr. RANDOLPH of Va., which, as well for the evidence it furnishes of the strict and dignified maintenance of the rules of the House under the speakership of Mr. CLAY, as for subsequent occurrences, may be a proper subject of allusion. On the Friday previous to the Monday set down for the intended declaration of war, Mr. RANDOLPH rose to address the House. Although perfectly aware that, for obvious reasons, the whole discussion was intended to be secret, he had no scruple in proceeding to debate it in public, and for some time went on in his speech, violently opposing the intended hostility and vindicating Great Britain from the accusation of having unjustly wronged the United States; founding his strictures upon vague rumors of intended action, which had reached his ears, and upon a casual remark which he overheard, made by Mr. CLAY to a third member of Congress, in private conversation. For some time he proceeded without interruption, until, at length, he was called to order by Mr. CALHOUN, on the ground that his remarks were irrelevant—no motion being before the House. Mr. BRAS, who was temporarily in the chair, allowed him to proceed. He began by thanking Mr. CALHOUN for the respite he had given him, and was about to launch again into his argument, when Mr. CALHOUN said he would again gratify him by an opportunity to rest himself, and again called him to order. Mr. CLAY having resumed the chair, decided that he must reduce his intended motion to writing and pass it to

the chair, and that it must also receive a second. Mr. RANDOLPH appealed from the decision, which was sustained by a vote of 67 to 42. "Then, sir," said Mr. R., "under the compulsion to submit my motion in writing, I offer it." Mr. CLAY replied that he "could do as he chose about it—there was no compulsion in the case." The resolution was then read, declaring that, "under existing circumstances, it is inexpedient to resort to war with Great Britain." The Speaker decided that this could not be debated without the permission of the House. Mr. RANDOLPH appealed, but at the suggestion of Mr. MACON, withdrew his appeal. The House then voted not to receive the resolution; 72 to 37. Mr. RANDOLPH upon this published an inflammatory appeal to his constituents, from the tyranny which he alleged was threatening to destroy all freedom of debate, and addressed them on the general policy of the administration in a very violent and declamatory style. He treated the question of war as one which a few politicians in Congress were seeking to decide, merely with a view to the preservation of their own consistency, and without any reference to the welfare of the country; and besought those to whom he wrote not to sanction the attempted declaration. His principal complaint, however, was the decision of Mr. CLAY, which had forbidden his discussion of the question. To this communication Mr. CLAY replied, in a card to the editor of the *National Intelligencer*; ably vindicating the decision, and explaining that it settled these two principles: "that the House had a right to know, through its organ, the specific motion which a member intends making, before he undertakes to argue it at large, and that it reserves to itself the exercise of the power of determining whether it will consider it, at the particular time when offered, prior to his thus proceeding to argue it."

Mr. CLAY took no notice of the declamatory portion of Mr. RANDOLPH's letter, but confined himself to a complete refutation of his argument against the propriety of the decision he had made. It was regarded as completely satisfactory; and the principles thus established have since been uniformly recognized and enforced in the Congressional debates.

We were now fairly engaged in a war with Great Britain. How anxiously our government had sought to avoid it, may be gathered from the international correspondence which preceded its declaration, and is still further evinced by that which immediately followed it. On the 20th of June, only a week after the Proclamation was issued, the Secretary of State authorized our Charge des Affaires in Great Britain, Mr. JONATHAN RUSSELL, to agree to an armistice, for the negotiation of a treaty; at first, on condition that the British Orders in Council should be repealed, and that the impressment of seamen from our vessels should be discontinued; and, afterwards, without any stipulations whatever. These peaceful overtures were haughtily rejected, and the ministry refused to treat with us at all, unless we would recall our letters of marque and reprisal, and cease all acts of hostility against British subjects and British property. These attempts on the part of our government to procure a friendly settlement of our complaints were continued until the middle of September. At an interview held on the 17th of that month, Lord CASTLEREACH spoke, with manifest impatience, of the continued hopes that were entertained by American Commissioners that the right of impressment would ever be relinquished; he had the assurance to say that "*our* friends in Congress had been so confident in that mistake that they had ascribed the failure of such an arrangement solely to the misconduct

of the American government." All the propositions of Mr. RUSSELL, which were extremely temperate and liberal, were treated in such a manner as to forbid any hope of amicable adjustment. The British went so far in their insolent demands as to ask of our minister, if the "United States would *deliver up* the native British seamen who might be naturalized in America;" and Lord CASTLEREAGH said, tauntingly and loftily, that "if the American government was so anxious to *get rid of the war*, it would have an opportunity of doing so on learning the revocation of the Orders in Council."

After this contemptuous rejection of their offers of peace, nothing, of course, remained to the United States, but to prosecute the war, by sea and by land, with the utmost possible vigor. Sad reverses had already overtaken our arms in several engagements, and the surrender of a large force with the important post of Detroit, by General HULL, under circumstances which made it almost certain that he had been purchased by the British, had fired with indignation a large portion of our people, though it had dispirited the rest and rendered them almost hopeless as to the issue. Strong forces of volunteer troops had been embodied in the states of Kentucky, Ohio, Pennsylvania and Virginia—and a large portion of them had been placed under the command of Brigadier General HARRISON, an officer of the highest gallantry and skill, destined to operate in the Michigan territory, to relieve an important post and to protect the frontier against the hostility of the Savages, whose alliance the British, with a barbarity seldom equaled in the warfare of civilized nations, had not scrupled to secure. Our troops, under Gen. VAN RENSSELAER had been repulsed, with disastrous loss, in an attack on one of the enemy's posts near Niagara. Our plans

of invading Canada from its western frontier, upon the success of which the hope of ultimate victory had been mainly built, were thus entirely frustrated; and it became necessary to direct our efforts to some other quarter. An unexpected difficulty had also arisen from the refusal of the Governors of some of the States to furnish the required detachments of militia for the defence of the maritime frontier. The establishment of the principle on which this refusal was founded, would seem to weaken the power of the nation to a most alarming degree; and there was, at the time, too much reason to fear that the contest, under these circumstances, could not but result in the defeat of the American armies and the disgrace of our arms. But the exploits of our gallant privateers, and of our ships upon the ocean, had been as successful and as honorable as could be desired. Our trade had been successfully protected by the squadron of frigates under Commodore RODGERS, and the capture of the British frigate *Guerriere*, by the *Constitution*, Commodore HULL, under circumstances of peculiar gallantry, won for that officer the highest praise, and for his country's navy the respect and admiration of the world.

On the 2d of December, 1812, the twelfth Congress convened in its second session; and on the 4th President MADISON,—who had been re-elected by a respectable majority, over Hon. DE WITT CLINTON, the candidate of the Federal party,—transmitted to that body his annual message. It sketched, briefly and clearly, the events of the war, as far as it had advanced, and made an eloquent appeal to the honor and patriotism of the Representatives of American freemen, to vindicate their wrongs, and prosecute the contest upon which they had so boldly entered. The Treasury receipts

of the year had been about sixteen millions of dollars, including a loan of nearly six. A bill for the increase of the Navy was immediately passed by Congress ; and, on the 24th of December, the Military Committee in the House adopted a bill to raise, in addition to the existing military establishment of the United States, a regular force of twenty thousand men—making fifty thousand in the whole—for one year, unless they should be sooner discharged. The consideration of the bill was delayed a day or two, by the death of a member, and other causes, but was soon entered upon and for some time engaged the ardent attention of the House. The proposed increase of the army was strenuously and most ably opposed by RANDOLPH, PITKIN, and several other gentlemen, who had, from the first, been prominent denouncers of the war. On the 29th Mr. CLAY moved an amendment, to repeal the laws allowing a bounty of land to recruits, on the ground that they had proved wholly inadequate to the object proposed ; that the land would, in the end, fall into the hands of speculators ; and that an increase of the bounty, in money, would be much more to the advantage of both the government and recruits. The motion was agreed to by the Committee, but afterwards rejected by the House. On the 5th of January, 1813, Mr. QUINCY made a most powerful speech against the main bill. It was one of the most violent and abusive ever delivered on that floor ; and it called forth, from Mr. CLAY, one of the most scorching and eloquent replies recorded in the history of Parliamentary debates. The spirit of Mr. QUINCY's remarks may be gathered from the recorded report ; but many of its bitterest expressions—some of which, those present have declared, “ produced disgust on all sides of the House ”—were never preserved ; and the whole speech was, in other respects, greatly softened in

its tone. He denounced, as one of the most wanton and wicked acts ever contemplated, by any nation, the proposed invasion of Canada, and declared, that he "could not believe that for the offences of a nation three thousand miles distant, we were justified in visiting with fire and sword, an innocent, unoffending people, who were tied to us by acts of friendly intercourse and neighborhood." "Since the invasion of the bucaners," said he, "there is nothing in his tory like this war. The disgrace of our armies is celestial glory, compared to the disgrace reflected on our country by this invasion—yet it is called a war for glory! Glory? Yes, such glory as that of the tiger, when he tears the bowels from the lamb, filling the wilderness with its savage roars. The glory of Zenghis Khan, without his greatness—the glory of Bonaparte. Far from me and mine, and far from my country be such glory!" Mr. Quincy characterised those who opposed the sentiments he had advanced, as "creatures—household troops, who lounge for what they can pick up about the government house—who come here, and, with their families, live and suck upon the breast of the treasury—toad-eaters, who live on eleemosynary, ill-purchased courtesy, upon the palace, swallow great men's spittles, and get judgships, and wonder at the fine sights, and fine rooms, and fine company, and, most of all, wonder how they themselves got there." "But," he said, "he had conversed upon the question with men of all ranks and conditions in Massachusetts; with men hanging over the plough and on the spade—judicious, honest, patriotic, sober men, who, if it were requisite, and their sense of moral duty went along with the war, would fly to the standard of their country at the winding of a horn, but who now hear yours with the same indifference they would have heard a Jew's-harp or a

banjo—because they are disgusted with the mode of carrying on the war.” Those in the House who favored the war, he stigmatised as “young politicians, with the pin-feathers yet unshed, the shell still sticking upon them—perfectly unfledged, though they fluttered and cackled on the floor—who favored such extravagant and ignorant opinions of a very proud nation.” He justified his harshness of language by saying, that, “it would ill become a man whose family had been two centuries settled in the State, and whose interests, connections, and affections, were exclusively American, to shrink from his duty for the yelping of those blood-hound mongrels who were kept in pay to hunt down all who opposed the court—a pack of mangy hounds, of recent importation—their backs still sore with the stripes of European castigation, and their necks yet marked with the check-collar.” Mr. QUINCY argued, or, rather, inveighed at length against the French ascendancy, under which, he maintained, the advocates of war were acting, and mingled with his remarks a coarse diatribe against ex-President JEFFERSON, then enjoying, in retirement, the ease he had so richly deserved by a life of devotion to the public service. These quotations from his speech have been necessary, in order properly to appreciate portions of the reply of Mr. CLAY, and, especially, to justify these personal passages, in which Mr. QUINCY received tenfold measure for the invective he had poured upon the heads of his opponents. This speech of Mr. CLAY is one of the most powerful in this collection. The reply to Mr. QUINCY, “whom,” said he, “no sense of decency or propriety could restrain from soiling the carpet on which he treads,” has few parallels, in point of severity, in the language; while that portion of it which sketches the piteous condition of American seamen, held in British bonds, and in vain asking of their own gov-



ernment that protection which their services and their sufferings had merited, is moving and eloquent beyond example. A note to the speech, in the National Intelligencer of that date says, that, "it is impossible to describe the pathetic effect produced by that part of it. The day was chilling cold; yet there were few who did not testify to the sensibility excited."

The discussion of the Army Bill, in the House, was continued for many days, and was conducted with the very highest ability. Under the latitude of debate allowed, it was extended so as to embrace the whole policy, foreign and domestic, of the administration. The decided stand taken and maintained with so much eloquence by Mr. CLAY, in favor of the war, awakened fresh life among the people, and contributed greatly to the animation and vigor with which it was afterwards waged. His eloquence and arguments, also, had great weight with the members of Congress; and on the 14th of January, 1813, the bill for the increase of the military force, to which he had given so ardent a support, was passed in the House, by a vote of 77 to 42. In the Senate, some few unimportant amendments were made, which were speedily adopted in the lower branch, and on the 16th the bill became a law, by the signature of the President.

On the 10th of February the electoral votes for President were formerly counted in Congress—when it appeared that 128 had been cast for the incumbent, Mr. MADISON, and 89 for Hon. DE WITT CLINTON, of New York. The latter gentleman had been nominated, first, by an authorized Committee of his native State; and his election was urged, in an able address, on grounds of general policy, as well as of opposition to the system of Congressional nominations to the Presi-

dency,—Mr. MADISON having been proposed for re-election in caucus by the Republican members of Congress. He was a most able and accomplished statesman, and had been, originally, opposed to the war : so that his defeat was regarded as a signal triumph by the Republican party.

Congress re-assembled on the 24th of May, and Mr. CLAY was again elected Speaker of the House, receiving 89 votes, in opposition to Hon. TIMOTHY PITKIN, who received 54. The message of President MADISON transmitted on the 25th, gave a brief and lucid sketch of the condition of the country, and contained an allusion to the spirit and manner in which the war had been waged by the British, who, it declared, were “ adding to the savage fury of it on one frontier, a system of plunder and conflagration on the other, equally forbidden by respect for national character and by the established rules of civilized warfare.” This mention of the sufferings and wrongs of his gallant countrymen, aroused the indignation of Mr. CLAY : immediately after the reading of the message, he called attention to that portion of its contents, and, in a few most eloquent remarks, expressed his abhorrence of the outrages said to have been committed by the British armies and their savage allies, declaring that, “ if they should be found to be as public report had stated them, they called for the indignation of all Christendom, and ought to be embodied in an authentic document, which might perpetuate them on the page of history.” Upon his motion, and without opposition or division, a resolution was adopted, referring this portion of the President’s message to a Select Committee. Towards the close of the session a Report was made by Mr. MACON on behalf of this Committee, in which a mass of testimony was submitted, exhibiting, in the clearest manner,

the inhuman outrages repeatedly perpetrated upon American prisoners, by the Indian allies of British troops, and often under the eye of British officers. It closed with a resolution requesting the President to lay before the House, during the progress of the war, all the instances of departure, by the British, from the ordinary mode of conducting war among civilized nations.

Congress had assembled under auspicious circumstances. The fortune of war, which at its commencement, seemed so much against us, had turned in our favor ; and signal victories, by sea and by land, had repeatedly crowned the American arms. A fifth naval victory had been added to the glory of our maritime exploits by Capt. LAWRENCE of the *Hornet*, who, with but eighteen guns, had captured, after a brisk and gallant action of fifteen minutes, the British sloop of war, *Peacock*, Capt. PEAKE, carrying twenty-two guns and 130 men, the latter losing her captain and nine men with thirty wounded, while our loss was but one killed and two wounded. York, the capital of Upper Canada, had been captured by the army of the centre, in connection with a naval force on Lake Ontario, under Gen. DEARBORN, while the issue of the siege of Fort Meigs, under Gen. HARRISON had won for that officer, high and distinguished laurels for bravery and military skill. As early as September of the previous year, the Emperor Alexander of Russia, had suggested to Mr. ADAMS, our Minister at St. Petersburg, his intention to offer his mediation between the United States and Great Britain. The proposition had been favorably received and assurances had been given to the Emperor, of the earnest desire of our government, that the interest of Russia might remain entirely unaffected by the existing war between us and England ; and

that no more intimate connections with France would be formed by the United States. With these assurances the Emperor had been highly gratified, and in the early part of March, 1813, the Russian Minister at Washington, M. DASCHKOFF, had formally proffered the mediation of his government, which was readily accepted by the President. It was rejected, however, by the British government, to the great surprise of our own, on the ground that their commercial and maritime rights would not thereby be as effectually secured as they deemed necessary ; but, accompanying the rejection, was an expression of willingness to treat directly with the United States, either at Gottenburg or at London ; and the interposition of the Emperor was requested in favor of such an arrangement. In consequence of the friendly offer of the Russian government, Messrs. ALBERT GALLATIN and JAMES A. BAYARD, had been sent to join our resident Minister, Mr. ADAMS, as Envoys Extraordinary, at St. Petersburg. The proposal of the British Ministry, to treat with us at Gottenburg, was soon after accepted, and Messrs. CLAY and JONATHAN RUSSELL were appointed, in conjunction with the three Plenipotentiaries then in Russia, to conduct the negotiations. On the 19th of January, 1814, Mr. CLAY accordingly resigned his seat as Speaker of the House, in an eloquent and appropriate address. He received the thanks of the House, for the manner in which he had discharged the duties of his responsible office, and soon after sailed on his foreign mission.

There was a peculiar propriety in the selection, on the part of our government, of Mr. CLAY as one of the Commissioners, charged with the high duty of negotiating a treaty of peace with our ancient and powerful foe. He had been foremost in denouncing her aggressions upon our rights and

his voice had aroused the nation to a sense of the grievances and wrongs we had sustained at her hands. The vigor which his counsels inspired into the National Legislature, had greatly contributed to a successful prosecution of the contest, and the distinctness with which he had always and so eloquently defined the principles and rights, in defence of which we fought, made him a peculiarly suitable person to aid in insisting upon their full recognition as the sole condition on which permanent peace could be secured.

An intention was at first entertained of conducting the negotiation at London, as more likely to result in the conclusion of peace, but Ghent was finally fixed upon with the approbation of our government, as a more eligible point than either of the others that had been suggested. On the part of the British government, Lord GAMBIER, HENRY GOULBURN, Esq. and Dr. WILLIAM ADAMS had been appointed Commissioners. They arrived at Ghent on the 6th of August, 1814, all the American Plenipotentiaries being present, except Mr. GALLATIN, who arrived soon after. In the negotiation which succeeded, the British Commissioners had the decided advantage arising from their proximity to their government, which enable them the more readily to consult the wishes of the Ministry and thus to enlist upon their side all the strength of the British cabinet ; while our Embassadors, by reason of their remoteness from home, were under the necessity of deciding upon the spot and on their own responsibility, all the questions that necessarily arose during the discussion. Whenever a note of any importance was received by the British Commissioners from ours, (as we learn by one of the official despatches,) it was immediately sent by them to London and an answer awaited, in the form of instructions. What-

ver, on the other hand, was received by our delegation, was discussed by them in conference and thence committed to some designated member who was to prepare an answer.

This was then submitted to the council, a copy taken to his lodgings by each member, and such amendments suggested as each deemed proper ; these were again discussed and the final answer jointly agreed upon. The exact share each member of the Commission had in the preparation of the official papers, cannot of course be ascertained ; but in this as well as in the oral discussions of the joint meeting, it is understood that Mr. CLAY bore a conspicuous part.

The negotiation was opened by the British Commissioners, at the first conference held on the 8th, by the expression of a sincere desire on their part that it might end in a solid and honorable peace. These sentiments were reciprocated ; and they then stated the principal subjects upon which the discussions would be likely to turn. The tone in which the negotiation was commenced was such as to forbid all hope of peace. At their first meeting the British had declared that an arrangement on the subject of *Indian pacification* must be effected ; that the boundaries of the Indian tribes, *lying within our own territory*, must be settled by treaty with Great Britain, and that the United States must be precluded from the right of purchasing Indian lands without the consent of that nation. The object of this was of course, to maintain the Indians as a perpetual barrier between the United States and the British provinces ; and any stipulation upon the subject would have been a virtual cession, on our part, of the right both of sovereignty and of soil. The other subjects upon which the British ambassadors proposed to treat, were the forcible seizure of mariners from merchant vessels on the

high seas, and a revision of the boundary line : and they also declared that the British Government did not intend to “grant to the United States, gratuitously, the privilege formerly granted by treaty to them, of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the fisheries.” The American Commissioners replied, that, on the subjects of the Indian boundary and the fisheries they had no power to act ; and presented the definition of blockade and certain claims of indemnity, as further subjects of consideration. In the protocol of conference, the British Commissioners declared, that the inclusion of the Indians in the pacification, and the settlement of the boundaries between them and the United States, was a *sine qua non* ; and upon this point, at the risk of a rupture of the negotiation, the American Commissioners hesitated not a moment to return a unanimous and decided refusal to treat.

The pretensions of the British, at the commencement of the discussion, seem thus to have been unwarrantably overbearing and justly obnoxious. They made quite a parade of disclaiming all intention to “extend their territory Southward of the Lakes,” and claimed the right not to abide by the terms then offered, but to “vary and regulate their demands” as the state of the war, at successive periods of the negotiation, might render expedient. They spoke of Moose Island, and others in the Bay of Passamaquoddy, over which, up to the commencement of the war, we had exercised unquestionable jurisdiction, as “belonging of right to Great Britain—as much so as Northamptonshire ;” and quite forcibly made the demand that the United States should keep no naval force upon the Lakes, nor any military posts upon their eastern

shores. The peremptory and haughty tone thus assumed, by a nation with whom the American Commissioners had gone to treat as equals, seemed at once to preclude all further discussion; and our deputation felt warranted to close their first official despatch to Washington, by apprizing their government that there was not at that time "any hope of peace." Immediately on their arrival here, the official letters of our Commissioners were published, and thus the people were at once made acquainted with the spirit and temper of the British cabinet. It was seen that we were to be treated rather as a conquered people, than as an independent nation; and the most lively indignation, at the humbling terms offered for our acceptance, was awakened throughout the country. The feelings of the people, generally, were well expressed by the Virginia Legislature, which passed resolutions declaring, that the terms were "arrogant on the part of Great Britain and insulting to the United States, meriting instantaneous rejection, and demanding the united exertions of every citizen of these States in the vigorous and efficient prosecution of the war, until it shall be terminated in a just and honorable peace."

Fears were very generally entertained that the negotiations would be broken off; and hostilities were accordingly urged with increased vigor and efficiency. The subsequent events, including the signal victories at Plattsburgh, Baltimore, Chippewa, and other places, had the effect to moderate, somewhat, the expectations of the British: reinforcements, intended for the army in this country, were detained; loud complaints of the depredations of our seamen were made; insurance on vessels between England and Ireland rose from three-fourths of one, to five per cent.; and the tone of both



## MEMOIR OF HENRY CLAY.

the London and Provincial press towards the United States was materially changed. In the meantime, the negotiations were continued at Ghent—the British Commissioners abandoning the terms previously so peremptorily prescribed—and reducing their *sine qua non* to an article merely securing Indian pacification. Still it was evident that their only object was delay; no purpose on their part was manifest, to conclude a peace. They seemed desirous of keeping, in their own hands, the alternative of peace or a protracted war, until the fortune of the contest should take a more decided turn in their favor, or until the general arrangement of the affairs of Europe should be accomplished, by the great Congress of Vienna, which assembled at that city early in October, 1814. To the note of the British ministers, sketching the conditions and terms of the proposed arrangement,—one of which was, that such a portion of our territory should be ceded to Great Britain, as would secure an easy communication to the British between Quebec and Halifax,—our Commissioners immediately replied in a long letter, showing that the differences about which they were empowered to treat, were wholly of a maritime nature, and that the proposition to make the Indians a party to the treaty between the two countries, was “contrary to the acknowledged principles of public law and the practice of civilized nations.” Nor were the Commissioners instructed, or empowered, to yield the right of maintaining a military force on the northern lakes, or to cede away any portion of the territory of the United States—no matter what might be the motives of the British in asking it. “The conditions proposed by Great Britain,” they said, “have no relation to the subsisting differences between the two countries: they are inconsistent with acknowledged principles of public law; they are founded neither on reciprocity

ner on any of the usual bases of negotiation, neither on that of the *uti possidetis* or of *status ante bellum*; they would inflict the most vital injury on the United States, by dismembering their territory, by arresting their natural growth and increase of population, and by leaving their northern and western frontiers equally exposed to British invasion and to Indian aggression; they are, above all, dishonorable to the United States, in demanding from them to abandon territory and a portion of their citizens; to admit a foreign interference in their domestic concerns, and to cease to exercise their natural rights on their own shores and in their own waters. A treaty concluded on such terms, would be but an armistice. It cannot be supposed that America would long submit to conditions so injurious and degrading. It is impossible, in the natural course of events, that she should not, at the first favorable opportunity, recur to arms, for the recovery of her territory, of her rights, of her honor. Instead of settling existing difficulties, such a peace would only create new causes of war, sow the seeds of a permanent hatred, and lay the foundation of hostilities for an indefinite period." "It is not necessary," they added, "to refer such demands to the American government for its instruction. They will be only a fit subject of deliberation, when it becomes necessary to decide upon the expediency of an absolute surrender of national independence.

The spirit of this response seems to have taken the British Commissioners by surprise. They had evidently repaired to Ghent under the impression that America was willing to sue for peace, on any terms: and the patriotic indignation with which their propositions had been received by the Commissioners from the United States, apparently opened their eyes

to the fact that the task of conquering the nation with which they were at war was yet a preliminary to the dictation of terms so humiliating and disgraceful, as those they had so haughtily proposed. In their reply, they complain pointedly of the aggrandizing spirit exhibited by the United States; and that the frankness with which they at once declared the views of his Majesty's government, had not been met with an equal candor on the part of the American Commissioners; and formally protest against the position assumed by them, that all the Indian nations, living within the territory of the United States, are "its subjects, living there upon sufferance, on lands which it claims the exclusive right of acquiring, thereby menacing the final extinction of those nations." They concluded by throwing upon the American Commissioners, if they chose to do so, the whole responsibility of breaking off the negotiation.

The American delegates refute, in detail, and with logical clearness, every point of the letter; and "deny the right of Great Britain, according to the principles of public law and her own practice, to interfere in any manner with Indian tribes residing within the territories of the United States, as acknowledged by herself, to consider such tribes as her allies, or to treat for them with the United States." They declare, moreover, that "the employment of savages, whose known rule of warfare is the indiscriminate torture and butchery of women, children, and prisoners, is itself a departure from the principles of humanity, observed between all civilized and Christian nations, even in war;" and they suggest the stipulation, in the treaty, never to employ savages in any future war, as far more honorable and advantageous than the boundary proposed by the British Plenipotentiaries. In conclu.

men, they repeat, that the two propositions—1, of assigning a boundary to the Indians within the United States, beyond which the latter should not purchase ; and, 2, of securing to Great Britain the exclusive military possession of the Lakes, are both inadmissible ; and, with this understanding, they are willing to proceed with the negotiation.

The subsequent correspondence, for more than a month, turns upon this single point—the American Commissioners refusing to swerve a hair from the ground they have already assumed—but offering to secure, upon the ratification of the treaty, the pacification of the Indian tribes ; and the British, finally, submitting an article to this effect, and offering, on their own behalf, a reciprocal pledge—which is at once accepted by the American Commissioners ; subject, like all the rest, to the decision of the government of the United States. They close by inviting the project of a treaty embracing all the points deemed national by Great Britain.

Opened in this spirit of lofty, patriotic devotion to the honor and interests of their country, and sustained by the highest ability and diplomatic skill, it is not at all wonderful that the negotiations at Ghent should have secured, for the American Commissioners, the warmest thanks of their countrymen, and for the nation they represented the most solid and valuable advantages. The language in which they repelled the first most extraordinary pretensions of the British Commissioners, had evidently satisfied the latter that intimidation and lofty pretension would be met as they deserved ; and we find them, therefore, in their first note after the settlement of the question concerning Indian boundaries, speaking in a tone of unusual moderation of one of the principal

causes of the war. "With respect to the forcible seizure of mariners from on board merchant vessels on the high seas," they say, "and the right of the king of Great Britain to the allegiance of all his subjects, and with respect to the rights of the British empire, the undersigned conceive, that, after the pretensions asserted by the government of the United States, a more satisfactory proof of the conciliatory spirit of his majesty's government cannot be given, than not requiring any stipulation on those subjects, which, though most important in themselves, no longer, in consequence of the maritime pacification of Europe, produce the same practical results." Thus, at the especial request of the British government, was the discussion of this important right, before that time claimed and enforced by them, of seizing from American ships former subjects of the British king, expressly waived; and from that day to this she has carefully abstained from its exercise.

It is unnecessary to follow farther, in detail, the course of this negotiation. The American Commissioners had, throughout the whole, the dictation of terms; and, on the 24th day of December, 1814, the Treaty—as it was finally ratified by the governments of both countries—was concluded. Their decided superiority, over those with whom they had to deal, became evident at the outset; and a glance at the Parliamentary debates of that day, will show the estimate in which their ability and skill were held by the leading men of England. The first despatches of our Commission were sent home immediately after the rejection of the British *sine qua non*; and, as an immediate rupture of the negotiations was anticipated, the contents were immediately published in the United States, where they served to inspire the fullest con-

fidence in the ability and patriotism of our envoys, and to arouse the people to a far more vigorous prosecution of the war. The state of feeling produced here was correctly indicated by Hon. Mr. WHITEHEAD, in the British House of Commons, on the 19th of November, when he said, that "it now appeared, on the authority of Ministers themselves, that at the commencement of the contest, a large proportion of the American population were decidedly with them; but that they had so fought, and so negotiated, that party had become extinct in the United States, and that but one common mind existed for directing the whole force of the Republic against that country." "No man," said Mr. BARING, on the same day and in the same House, "no man in the country could have expected that America would ever have yielded to such pretensions, at a time when the British had gained no advantage over her in the war." In Great Britain, the publication excited mingled feelings of shame for the defeat of their Commissioners, and apprehension for its effect upon the American people. It was seen at once that the pretensions they had advanced were such as could never be defended by the nations of the earth, and that the principles upon which they had professed to ground them, were utterly repugnant to all public law. In the discussion of an address to the Regent, it had been asked, with some concern, whether, on the subject of maritime rights, the British "were not wishing to exact more from America than they desired from any other power:" in the House of Lords, Lord DARNLEY "conceived that the naval administration of the country, in regard to the war with America, had been badly conducted;" the Duke of SUFFOLK "considered the war as truly disastrous:" and Lord GRENVILLE described the mode in which the war had

been prosecuted as "barbarous and inconsistent with European manners."

When the papers, containing the correspondence, were received at Ghent, no little apprehension as to the effect upon the British, was felt by our Commissioners. They arrived just as the diplomatic body were preparing for a ball; in order to ascertain the effect of the publication, in the evening Mr. CLAY addressed himself to Lord GAMBIER and remarked that the whole world could now see what they were doing. His lordship replied with considerable spirit, that he "had seen the publication with infinite surprise, and that the proceeding was wholly without example in the civilized world." Mr. CLAY justified the publication by alledging the great probability at the time of their arrival, that the negotiations would be broken off and the different constitutional character of our government, which made it always proper for the people to be informed of the doings and discussions of their representatives. The explanation was received by the British Commissioners; but the publication of the papers evidently created no little uneasiness among them. Soon after the promulgation of the correspondence in the United States, occurred the British disasters at Plattsburgh and New-Orleans; and the distinguished success of the American arms, on these and other occasions, was justly attributed to the indignant resentment of the people at the terms and tone of the British official notes, and at the wanton barbarism which had prompted the burning of the Capitol at Washington, as well as other unjustifiable outrages by which the war had been characterized. These events unquestionably hastened the negotiation of the treaty, and procured from the British more favorable terms than could otherwise have been confidently expected.

The discussions of the American Commissioners, in private conference at Ghent, had been remarkably harmonious; and, upon one subject only, did there occur any difference of opinion; and as upon this the country owes to Mr. CLAY the removal of all foreign incumbrance on the important navigation of the Mississippi, and the preservation unimpaired of our right to the fisheries, a sketch of the origin and progress of this difference may not be out of place. The treaty of 1783 contained an article, expressly securing to the United States the right of fishing at all places where the inhabitants of both countries had used to fish; also, to take, but not cure, fish on such part of the New Foundland coast as British fishermen might use and to cure fish on the unsettled bays and the harbors of Nova Scotia and Labrador; but provided that, when these bays should be settled, the enjoyment of the right should depend on the consent of the inhabitants. In preparing the instructions to our Commissioners, Mr. MONROE had mentioned the probability that late events in France might have produced such an effect on the British government, as to induce them to demand a surrender of our right to the fisheries, "We cannot believe," said the Secretary, "that such a demand will be made; should it be you will of course treat it as it deserves. These rights [including that to trade beyond the Cape of Good Hope and the possession of Louisiana] must not be brought into the discussion. If insisted on, your negotiations will cease." Thus stood the subject of the fisheries. Quite as explicit were their instructions concerning the navigation of the Mississippi. By an article in the treaty of 1783 the navigation of that river was opened to both countries from its source to the ocean; and the same right was renewedly granted by the treaty concluded by Mr. JAY in 1794. This was in fact, rendered necessary by the



law of nature, as incorporated into the law of nations, and founded upon the supposed relations of the two contracting parties. At the date of both these treaties, Spain possessed the sovereignty of the entire western shore of the Mississippi from its mouth to its source, and of both sides from the gulf to the thirty-first degree of north latitude. The United States had the right to the eastern shore above this point to the boundary line between their territory and that of Great Britain, which it was supposed, would include a portion of the upper part of the river when it came to be marked from the Lake of the Woods, as provided by the treaty of 1783. Great Britain, therefore, possessing territory as was supposed at the source of the Mississippi, had the right of free access to its mouth, aside from the treaty stipulation. But at the date of the treaty of Ghent the whole aspect of the case was changed. The United States, by purchase in 1803, had acquired all the previous rights of Spain in regard to the Mississippi; and it had been ascertained, moreover, by actual survey, that the British line of Boundary, designated in the treaty of 1783, would not strike the Mississippi, but would pass above its source. Thus the natural right of the British to the navigation of that river, ceased; and the Mississippi was wholly within our territory, and fell within the instructions of Mr. MONROE, which expressly prohibited the American Commissioners from granting to Great Britain the "right to the navigation of any river exclusively within our jurisdiction."

In the Protocol of the first Conference held with the British Commissioners, notification had been formally given of an intention on the part of the latter, not to renew the grant formerly enjoyed of the privilege of fishing within British jurisdiction; and it thus became necessary for our Plenipotentiaries, though

forbidden to discuss the right, to submit some stipulation upon the subject in their project of a treaty. All of them were desirous to preserve the right unimpaired; and Mr. ADAMS seems to have differed from all the rest, in thinking that the stipulation in the treaty of 1783, was from its nature imperishable and had survived the war. He held, therefore, that no new article upon this subject was necessary. His colleagues thought differently, and Mr. GALLATIN accordingly proposed to grant to Great Britain the right of navigating the Mississippi, in exchange for that of fishing within British jurisdiction. Upon this ensued a long, earnest and animated discussion. Mr. CLAY and Mr. RUSSELL strenuously opposed it, on the ground that they were forbidden to grant the right of navigation, as the Mississippi was within our own exclusive jurisdiction. Messrs. ADAMS, GALLATIN and BAYARD, were in favor of the article and were about to insert it accordingly, when Mr. CLAY declared that he would sign no treaty which should contain such a stipulation; and Mr. BAYARD, thereupon came over to the minority and the proposition was rejected.

In justification of the course he felt bound to take upon this question, Mr. CLAY urged the instructions of our government, forbidding them alike to discuss the right to the fisheries and to grant the navigation of any river within our own jurisdiction; he represented the important concession we were called upon to make, in thus admitting to equal privileges with our own, upon the noblest of our rivers, the vessels of a foreign nation; with the right of navigating the Mississippi, Great Britain he proved, would have free access to the Indians of our North Western territory, whom she had already employed against us, and thus aggravated the necessary

horrors of war by the addition of savage butchery and unexampled outrages ; there was no possible connection between this right and that of the fisheries, and a proposition to grant to Great Britain the half of any state in the Union, in exchange for this right to fish, would have seemed quite as reasonable and defensible as this. He urged the matter with great zeal and earnestness, and proved finally successful. The Commissioners decided to answer the British declaration by citing their instructions, which forbade a discussion of the subject, and by saying that, "from their nature and from the peculiar character of the treaty of 1783, by which they were recognized, no farther stipulation had been deemed necessary by the government of the United States, to entitle them to the full enjoyment of all their previous rights or liberties in relation to the fisheries." The British Commissioners finally proposed an article, granting the unconditional right of navigating the Mississippi, but this was declined—and thus the Father of Rivers was for ever closed to British ships.

From the difference of opinion among our negotiators, upon this point, arose some years afterwards an unpleasant controversy, in which Mr. CLAY was involved. On the day after the signature of the treaty of Ghent, our Commissioners wrote a letter, containing a sketch of their debates on the subjects of disagreement. In that letter it was stated, that the offer of the navigation of the Mississippi to the British, was made by a *majority* of the American mission. In a letter of the same date, Mr. RUSSELL informed the Secretary of State that he was in the minority on that question ; and he afterwards gave a statement of the reasons which induced him to assume the position he held with regard to it. These papers were preserved in the archives of the government until 1822,

when, in answer to a call from the House of Representatives, the President transmitted, with the whole correspondence, a private letter from Mr. RUSSELL, purporting to be a duplicate of one also transmitted from the State department. Between these two letters there was a variation, in the statement of a matter of fact, which subjected Mr. RUSSELL to the severest censure of Mr. ADAMS, in a newspaper correspondence which immediately ensued. Mr. CLAY, in a letter to Mr. RUSSELL, intended to be private, acquiesced in the censuring bestowed for the alteration of his letter, charged and proved by Mr. ADAMS; and took occasion to give, briefly, a sketch of their proceedings in relation to the subject of their difference. Mr. ADAMS had inferred, from the fact that the note, alledging the "peculiar character of the treaty of 1783," as preserving unimpaired the right of the United States to the fisheries, was signed by all the Commissioners: that Mr. CLAY concurred in believing that the provisions, respecting the grants, were imperishable, and did not, therefore, expire on the breaking out of the war. The correctness of this inference Mr. CLAY denied: he said that he suggested the insertion of the words "a majority," in the despatch to the Secretary of State, for the express purpose of informing his own government that there was a division among themselves upon the point; and, for the very purpose of concealing that division from the enemy, he affixed his signature to the note sent to the British Commissioners, saying, that "his signature no more proved his assent, than the signature of an arbitrator to an award, proves his assent to it, when it was carried by a majority against his opinion, or an assent by a member of an aggregate body to all the transactions of that body which happened during his presence." The controversy between Mr. ADAMS and Mr. RUSSELL, on this occasion, was quite bitter: but

neither of them, in the least, assailed the course, or impeached, in any degree, the character of Mr. CLAY.

During the residence of our Ministers at Ghent, they were treated with the highest respect by the public authorities, and the attentions of private individuals manifested the regard in which their political skill and personal worth were held. They were all elected members of the Academy of Sciences and Fine Arts of that city, and received the most enthusiastic compliments of a large company, at a magnificent banquet given at the anniversary of that institution. They were upon terms of familiar and courteous intercourse with the members of the British Mission, and with Lord GAMBIER, especially, a nobleman distinguished not less by his private virtues than by his public worth, Mr. CLAY formed an intimate and mutually pleasing acquaintance. We find recorded in the journals of that day, the following instance of a happy retort of Mr. CLAY for a gratuitous civility on the part of Mr. GOULDBURN. That gentleman, while both were stopping for a time at Brussels, one morning sent to Mr. CLAY, by his servant, late papers, containing an account of the capture and destruction of Washington by the British. It happened that Mr. CLAY had that morning received from Paris late papers, containing an account of the total defeat of the British forces, by land and water, on Lake Champlain. He accordingly sent these, by his servant, to Mr. GOULDBURN, in return for his courtesy.

The negotiation of the treaty of Ghent, may, without the slightest exaggeration, be classed among the most successful in the history of the country. On the part of the American Commissioners, the whole was conducted with the very

highest ability, the most consummate skill, and the most unbending devotion to the honor and welfare of their country. In the treaty finally established, every point for which the United States had contended was secured with the single exception of a stipulation on the subject of impressment: but, when it is remembered that silence on this topic was granted, at the express desire of the British Cabinet, (for they were, in reality, the negotiators in this matter,) who had first asserted, and always, up to that time, exercised the right; and, moreover, that the instructions of our own government expressly authorized them, previous to opening the negotiation, "to omit any stipulations upon this subject," with the express understanding that it was not the "intention of the United States to admit the British claim thereon, or to relinquish that of the United States"—it will be deemed no slight triumph that the request for silence came from the nation which had, ever before, solemnly proclaimed her pretensions, and uniformly carried them into practical effect. The treaty was received in the United States with the greatest favor. All through the country it was regarded as a noble vindication of the honor and interests of the nation, and as a signal triumph over British insolence and cupidity. It spread universal joy throughout the land, while it was received in England with the most open and violent complaints. It was declared, in some of the leading London journals, that the British Commissioners had conducted the negotiation under fear of some of the great European powers, who had, at the Congress of Vienna, manifested an intention to uphold the principles in defence of which the United States had been contending. The Times acknowledged that England had "attempted to force their principles on America and had failed: we have retired from the combat with the stripes yet

bleeding on our back : scarcely is there an American ship of war which has not to boast of a victory over the British flag—scarcely one British ship in thirty or forty that has beaten an American.” The same paper of a subsequent date contradicts the report, industriously circulated by interested persons, of rejoicings of the people on learning the terms of the treaty. Another leading London journal says, that the treaty “forms a deplorable contrast with the high-sounding threats of a part of the public press. The waiving of some rights and the mere retention of others, is a miserable *finale* to a war that, we were told, must not cease until the Americans had been ‘confoundedly well flogged ;’ which, it was boasted, must dismember the Union, overthrow the government, and sweep the American navy from the ocean.” A third calls loudly upon the Prince Regent not to ratify so “disgraceful” a treaty : “it is inconsistent with common sense,” they say, “to deny that our naval reputation has been blasted in this short but disastrous war ; it is inconsistent with the spirit and feelings of Englishmen not to regret that the means of retrieving that reputation are cut off by a premature and inglorious peace.” And, in the upper House, Lord WELLESLEY, known as one of the most bitter enemies of America on the floor of Parliament, denounced the British Cabinet for having “advanced claims in the negotiation which they could not support, and were obliged to withdraw : for refusing to accept the mediation of Russia ; and for the wanton destruction of the public buildings at Washington ;” and confessed that “the American Commissioners had shown the most *astounding superiority* over the British in the negotiation” at Ghent. The effect of the treaty was to revive business of all kinds in America, and to instantly advance American credit abroad ; while at London funds kept on a dead and heavy

level, instead of rising from 10 to 15 per cent. as had been confidently anticipated by the friends of peace.

Immediately after the close of the negotiations at Ghent, Mr. CLAY repaired to Paris, where he spent several weeks with Mr. CRAWFORD, our Minister there. He met here Madame DE STAEL, and many other eminent personages of the day, and in March, 1815, left Paris for England. He arrived in England before any of the other American Commissioners, and mingled in the highest social and political circles—though his repugnance to the formalities of a Court presentation, prevented him from seeing the Prince Regent. He was in London at the time of the Battle of Waterloo, and witnessed the splendid illuminations, bonfires and general rejoicings to which that event gave rise. At a dinner given by Lord CASTLEREAGH, Lord LIVERPOOL asked him if NAPOLEON—who, it was thought, might have fled to America—would not give his countrymen much trouble. “None whatever,” said Mr. CLAY: “we shall be glad to receive him, and will soon make a good democrat of him.” During his stay in England, Mr. CLAY became intimately acquainted with Sir JAMES MACKINTOSH, Sir SAMUEL ROMILLY, and other eminent British statesmen, and spent a week with his friend, Lord GAMBIER, at his residence near Windsor Castle.

Mr. CLAY returned to the United States in September, 1815, and was received with the greatest regard by the people, whose rights he had so ably and so nobly aided to defend. Soon after his arrival, the compliment of a public dinner was given to himself and Mr. GALLATIN, in New York; and in his own State the liveliest demonstrations of rejoicing greeted his return. The Board of Trustees of Lexington—the town where



he had long resided—waited upon him, formally to present their thanks for his eminent services in behalf of his country, and to express the feelings of joy with which they welcomed him again among them. In his reply to their very flattering compliments, Mr. CLAY said, that, “during a great part of the negotiation which terminated in the treaty of Ghent, our duty was limited to the simple rejection of inadmissible terms proposed by the Ministers of Great Britain. The time will never arrive when any American minister can justly acquire honor for performing a duty so obvious as that always must be, of refusing to subscribe to disgraceful conditions of peace.” On the 7th of October the citizens of the same town gave him a public dinner, at which, in reply to a toast complimentary to the American negotiators, he made some brief and eloquent remarks concerning the circumstances under which the treaty had been concluded, and the general condition of the country, both at the commencement and the close of the war. At the same festival, in reply to a toast highly complimentary to himself, he thanked the company for their kind and affectionate attention. His reception, he said, had been more like that of a brother than a common friend or acquaintance, and he was utterly incapable of finding words to express his gratitude. He compared his situation to that of a Swedish gentleman, at a festival in England, given by the Society for the Relief of Foreigners in Distress. A toast having been given, complimentary to his country, it was expected that he should address the company in reply. Not understanding the English language, he was greatly embarrassed, and said to the Chairman: “Sir, I wish you, and this Society, to consider me a *Foreigner* in *Distress*.” “So,” said Mr. CLAY, evidently much affected, “I wish you to consider me a *friend* in *distress*.”

Even in anticipation of his return, Mr. CLAY had been re-elected, by his district, a member of the House of Representatives; but, as some doubts were expressed of the legality of the election, he promptly resigned his seat, and was again chosen without opposition. On the 4th of December, 1815, the Fourteenth Congress met, in its first session; and, upon the first balloting for Speaker, Mr. CLAY received eighty-seven, out of one hundred and twenty-two votes cast; thirteen being the highest number given for any one of the five opposing candidates. He was, at this time, just recovering from a serious indisposition, but accepted the office in a brief and appropriate speech, acknowledging the honor conferred upon him, and pledging his best efforts for the proper discharge of its duties. Out of the 182 members of the House, 177 belonged to the Republican party; while in the Senate there were 24 Republicans and 12 Federalists. The condition of the country, at the opening of the session, called for the exercise of all the wisdom and energy of her National Legislature. We had just gone through an arduous war with the most powerful nation on the earth: it had been waged successfully; had conferred high renown upon our arms, and had terminated in an honorable and satisfactory treaty of peace. But it had involved the nation in extreme suffering, and the price of the contest was now to be paid. The amount of the Public Debt was as follows:

Public Debt, contracted before the war,.....	\$39,135,484
Funded Debt, contracted in reference to the war,.....	63,144,972
Floating Debt, on account of the war,.....	17,355,100
Total amount of the Public Debt,.....	<u>\$119,635,556</u>

But the extent of this debt by no means measured the injury which the country had sustained. Previous to the com-

meñcement of the contest, the wars in which the great nations of Europe were engaged had diverted the attention of their people from commercial pursuits, and had created a demand for all the surplus products of the world. Holding the advantageous, and at that time, *unique*, position of a neutral nation, the United States had found abroad a ready market for all their produce, and ample employment for her ships. in the carrying trade for all the great powers engaged in the continental combat. But now the unfabled giant, who had stolen from hell its torch of discord, and aroused half the earth to madness and carnage, had been chained to his ocean rock ; and the nations of the old world enjoyed rest for a season. The weapons of warfare were laid aside ; the arts of Peace were revived ; and Agriculture, Commerce, and Manufactures, were again prosecuted by the people, who, for so long a time, had looked abroad for the supply of their daily wants. Our grains, of course, were not there needed. We found no market abroad for the surplus products of our fertile land, nor were we longer permitted to absorb the commerce of the world. We had trusted to these foreign aids, and they were now withdrawn from our support. No adequate protection had been given to our Manufactures, and even our naval and military establishments, to a great extent, had depended upon smugglers from Britain for their clothing and necessary munitions of war. For these we had paid an extravagant price, and had thus, besides defraying our expenses during the contest, aided largely our foe in sustaining her own. Now that the war was over, we were forced to look abroad for our supply of manufactured goods, and in return for these, but little of our produce being needed, our specie was exported, and scarcely a dollar of it ever returned. Our Banks had thus been forced to suspend specie payments, and

they were countenanced in the step by both government and people: Exchange upon England rose to 20 and 25 per cent. above par. There were but about fifteen millions of specie in the country, while the issues of the banks amounted to more than one hundred millions of dollars.

Such was the condition of the country, at the opening of the session of 1815-16. In a brief and explicit message, President MADISON informed Congress of the general state of public affairs, and indicated the establishment of a NATIONAL BANK and of a PROTECTIVE TARIFF as the two great measures of relief. In his Annual Report, the financial condition of the country had been fully represented by Hon. A. J. DALLAS, Secretary of the Treasury, and he had, in the following emphatic passage, near the close of that extended and able document, seconded the leading recommendation of the President :

“The establishment of a National Bank,” said he, “is regarded as the best, and perhaps the only, adequate resource to relieve the country and the government from the present embarrassment. Authorized to issue notes which will be received in all payments to the United States, the circulation of its issues will be co-extensive with the Union : and there will exist a constant demand, leaving a just proportion to the annual amount of the duties and taxes to be collected, independent of the general circulation for commercial and social purposes. A National Bank will, therefore, possess the means and the opportunity of supplying a circulating medium of equal use and value in every State and in every district of every State. Established by the authority of the United States ; accredited by the government to the whole amount

of its notes in circulation ; and entrusted as the depository of the government with all the accumulations of the public treasure ; the National Bank, independent of its immediate capital, will enjoy every recommendation which can merit and secure the confidence of the public. Organized upon principles of responsibility, but of independence, the National Bank will be retained within its legitimate sphere of action without just apprehension from the misconduct of its directors or from the encroachments of the government. Eminent in its resources, and in its example, the National Bank will conciliate, and lead the State Banks in all that is necessary for the restoration of credit, public and private. And acting upon a compound capital, partly stock and partly of gold and silver, the National Bank will be the ready instrument to enhance the value of the public securities and to restore the currency of the national coin."

The subject was immediately given into the care of the Committee on the National Currency ; and on the 8th of January, 1816, Hon. JOHN C. CALHOUN, of South Carolina, in behalf of that Committee, made an able and voluminous report, recommending the immediate chartering of a Bank of the United States, of which the leading features were given in an accompanying bill : the capital was to be, at first, thirty-five millions—to be gradually augmented to fifty : the bank to have the power of erecting branches, and none but resident citizens of the United States were to be directors either of its branches or the parent bank. A bonus of a million and a half was to be paid by the bank for its charter. When this bill came before the House it received the ardent and considerate support of Mr. CLAY, who thereby evinced a change of his opinions since 1811, when he had opposed the

re-charter, on the ground, among others, of its unconstitutionality. Had his objections, then, been founded wholly upon considerations of expediency, his subsequent support of the bill would not in the least have impugned his political consistency: for the weight and character of these considerations must, of course, change with the varying circumstances from which they take their rise. In 1811, the State Banks were eminently sound, answered all the purposes for which any Banks were needed by the national treasury, enjoyed the full confidence of the people and preserved the currency of the country in a healthy condition. A national institution, under these circumstances, did not seem necessary for the purposes of the government: and there were many reasons which led Mr. CLAY, at that time, to believe, that such a bank would be made to subserve the purposes and increase the strength of the Federal party, by whom its creation was chiefly desired. These reasons would of themselves have ensured and justified Mr. CLAY's opposition to a bank in 1811; but in 1816 they had lost all their force. The issues of the State Banks had become unusually large; in no section of the country did they enjoy the confidence of the people; they had universally suspended specie payments; their paper was greatly depreciated, and, with the small amount of gold and silver, which the necessity of going abroad for our manufactured goods had left in the country, there was, in fact, no national currency—no money of equal value in all parts of the Union. Upon grounds of expediency, therefore, Mr. CLAY might, consistently, have opposed the charter of a National Bank, in 1811, and been its ardent advocate in 1816. But, in the former case, he had partially based his opposition on the ground, which he then assumed, that, under the constitution, Congress had no power, either

expressed or implied, under any circumstances, to create such an institution. This opinion he of course saw reason to change, or he could not have given his support to the bank in 1816, no matter how profound his convictions of the necessity of such an institution, at that time, might have been. He became convinced that, not only the expediency, but also the constitutionality, of the measure, depended upon the condition and necessities of the country. If a bank were absolutely requisite, in order that Congress might exercise that healthful control over commerce and the currency, which the constitution expressly gives it, he saw that it must, *therefore*, be a constitutional measure. If it were not needed, it would not be constitutional. Thus, in fact, its constitutionality and expediency, from distinct and opposing questions, became identical and harmonious. With these convictions, Mr. CLAY gave his support to the bank bill of 1816.

Founded, as it evidently was, upon the purest principles of devotion to the public good, Mr. CLAY, by this change of opinion upon a prominent political subject, has never forfeited the respect of a single man, whose respect was worth possessing. Party clamor has distorted the deed, and belied his motives, to his temporary hurt; but candor and justice have always regarded it, as posterity will regard it, as a noble act of an unselfish statesman,—too right-minded and courageous to cling to error, merely because he feared the opprobrium of not having been born as wise as he became by experience.

The bill to re-charter the Bank was a subject of animated discussion for many weeks, in the House. The vote was taken, on its third reading, on the 14th of March, when it

was finally passed : 80 ayes to 71 nays : and sent to the Senate for concurrence. On the 2d of April, after the bill reported by the Financial Committee had received a full and thorough discussion, it was finally passed in that body by a vote of 22 to 12—two members only being absent. The amendments of the Senate were speedily adopted by the House, and on the 10th of April the bill became a law, by the signature of the President. The bank did not commence operations until 1817 ; and, through a temporary mismanagement, for the first few years, its action did not fully justify the expectation of its friends. The State Banks, however, after a desperate struggle, were enabled to resume specie payments, by the help of three millions of specie, furnished by the National Institution, aided in turn by the public funds and the favor of the government ; and, after four or five years, things assumed a more healthy aspect. The notes of the United States Bank were everywhere received in payment of the public dues, and thus had a uniform value all over the Union : the bills of the State Banks were received at all the branches, and frequent settlements were required, so as effectually to prevent over-issues ; the branches, being chiefly located at the great commercial points, by the privilege they had of dealing in foreign exchange, were able to preserve a healthy equality between our exports and imports—sufficient, at least, to prevent an excess against us, which should drain them of their specie ; and, by a judicious extension, or contraction, of her discounts, the bank could regulate the currency of the country as the necessities of trade demanded. Periodical revulsions of course occurred ; but these changes were occasioned by a periodical increase of commercial activity, consequent upon the ingathering of crops and the returns of mercantile enterprise ; and excessive imports were



thus opportunely checked; the basis of the currency was strengthened; and those changes, so slightly felt by the community at large, seemed, in fact, as essential to commerce and trade, as the periodical vicissitudes of the season to the full development of the products of the soil.

Very soon after Congress assembled, the Treaty, just concluded with Great Britain, of course became a subject of discussion. Some of the members, and especially Mr. RANDOLPH, had ventured to sneer at it, as being a dishonorable close of a war, they had so violently opposed. Mr. CLAY mingled but little in this debate: but, on the 29th of January, he rebuked the spirit thus manifested in an eloquent speech. "I gave a vote," said he, "for the declaration of war. I exerted all the little influence and talent I could command, to make the war. The war was made, and is terminated; and I declare with perfect sincerity, if it had been permitted to me to lift the veil of futurity and to have foreseen the precise series of events which has occurred, my vote would have been unchanged." In reply to the complaints that no stipulation on the subject of impressment was made, he said: "One of the great causes of the war and of its continuance, was the practice of impressment exercised by Great Britain; and if this claim had been admitted by necessary implication or express stipulation, the rights of our seamen would have been abandoned. It is with utter astonishment that I hear it has been contended in this country, that, because our right of exemption from the practice had not been expressly secured in the treaty, it was there given up! It is impossible that such an argument can be advanced on this floor. No member, who regarded his reputation, would venture to advance such a doctrine."

The convention of Commerce between Great Britain and the United States, which had been negotiated by our Ministers and those of Great Britain, at London, subsequent to the conclusion of peace at Ghent, became also a subject of discussion in the House during the early part of this session: but as no important action was taken, and as the share of Mr. CLAY in the debates was but slight, farther allusion to it is unnecessary.

A proposition was brought forward at the same session to reduce the direct tax laid upon the United States, which Mr. CLAY supported; but said that the land-tax, even then, he deemed too high for the ordinary season of peace. He laid down this important general principle, that, "in time of peace, we should look to foreign importations as the chief source of revenue, and in war, when they are cut off, that it was time enough to draw deeply on our internal resources. His plan was to make up for a still farther decrease of the land-tax by an increase of the duties on imports."

Towards the close of the session, the compensation of members of Congress became a subject of discussion. They then received six dollars per day—a sum barely sufficient to support them, at Washington, but utterly inadequate for the enjoyment of domestic and social relations. Few men, who were not wealthy, would consent, by becoming members of Congress, to deprive themselves of the comforts and pleasures they were forced to surrender; and, as a natural consequence, the business of legislation was fast falling exclusively into the hands of the rich. The chief subject of debate was the manner in which pay should be allowed. Some chose to make an addition to the *per diem* salary; but, if this were

done, party rancor would charge the members with prolonging the session to increase their pay. Others were, therefore, in favor of allowing a fixed and moderate salary; and on the 6th of March, Col. R. M. JOHNSON, of Kentucky, in behalf of the committee to whom the subject was referred, reported a bill, establishing the compensation at \$1,500 per session for each member of both Houses. After a short but spirited discussion, it was passed in the House, by a vote of 81 to 67, and in the Senate, 22 in favor to 11 against it. Mr. CLAY had given his support to the bill, at the same time avowing his preference of a *per diem* compensation; and returned to Kentucky upon the adjournment of Congress, which soon followed the passage of the bill. He found that the demagogues, who had uniformly opposed everything he had favored, had succeeded in raising a tempest concerning this comparatively trifling matter, which the excitement of a dissolution of the Union itself could not have surpassed. The philosophy of demagogueism remains to be written: its principles, however, have been made a rule of practice in all ages; and the magnifying of molehills into mountains has been a matter of almost daily occurrence now for many centuries. But it would be difficult to find a more signal or successful instance of the kind than that exhibited on this occasion. The whole nation was shaken to its centre; parties were formed and political armies marshaled; and the patriotism of the country was aroused, to the most ebullient indignation, at the bare proposition that a Member of Congress should dare to take thought for what he should eat and drink or wherewithal he should be clothed; and the liberties of the land—that independence for which our patriot fathers bled and died—were menaced with destruction, when Congress, in its state of solitary starvation, ventured to demand the

necessaries of life in payment of its thankless services. In Kentucky, nothing else was thought of or talked about. Every voice in the State was raised in expressing the horror of the people. They forgot the love and admiration which the name of HENRY CLAY had always aroused in their hearts. They forgot the long years which he had given to their service. They thought not of the lucrative practice he had laid aside when he espoused their cause; they were blind to the national glory he had done so much to exalt—as a statesman of great and commanding power—the defender of his country's honor, in her council halls and in strife with foreign diplomatists,—the champion of her strength in peace and in war,—he had ceased to be known:—he had voted for the “compensation bill:” and for this he must retire to the inglorious shades of private life. His destruction was now deemed certain. His opponent was Mr. JOHN POPE, one of the ablest and most influential citizens of the State; and all his talents and skill were exerted in canvassing the district and haranguing the citizens against Mr. CLAY and the compensation bill. For some time he had the field entirely to himself; but Mr. CLAY was finally induced to meet him in public debate. He discussed, in his own masterly way, the merits of the obnoxious measure—showed the assembled thousands how frivolous were the grounds on which they had so rashly proscribed him—and finally urged against his opponent all the federal principles by which his whole public life had been characterized. At the election Mr. CLAY was returned to the House by a majority of several thousand over his opponent. He found during the canvass, however, that the people would prefer for the members a *per diem* allowance; and he accordingly gave his support, at the next Congressional session, to a bill which became a

law, allowing each member eight dollars per day for his services as a member of either House.

As early as January, 1816, Mr. CLAY had expressed his ardent sympathies in behalf of the South American Republics, which had just succeeded in throwing off the yoke of Spanish servitude, and were then struggling for an independent rank among the nations of the earth. In the debate on the proposition to reduce the direct taxation of the country, he had alluded to the existing peaceful condition of the United States, and had hinted the possibility of hostilities with Spain. He had heard that the Minister of that nation had demanded the surrender of a portion of our soil—that part of Florida lying west of the Perdido. Without speaking of it as it deserved—of the impudence of such a demand—he alluded to it as indicative of the disposition of the Spanish government. “Besides,” said he, “who can tell with certainty how far it may be proper to aid the people of South America in the establishment of their independence?” The subject, he avowed, had made a deep impression on his mind; and he was not in favor of exhausting, by direct taxes, the country of those funds, which might be needed to vindicate its rights at home, or, if necessary, to aid the cause of liberty in South America.

These remarks aroused all the spleen and enmity of Mr. RANDOLPH, and led to one of those personal passages which were of no infrequent occurrence between himself and Mr. CLAY. “As for South America,” said he, in his reply to Mr. CLAY, “I am not going a tilting for the liberties of her people; they came not to our aid; let us mind our own business and not tax our people for the liberties of the people.”

of Spanish America." He went on to ridicule the notion that people of Caraccas and Mexico were capable either of enjoying or of understanding liberty ; and insinuated that Mr. CLAY was influenced by a desire of conquest. "The honorable gentleman," he said, "had been sent on a late occasion to Europe : he had been near the field of Waterloo, and, he feared, had snuffed the carnage and caught the infection." "What," said he, "increase our standing army in time of peace, on the suggestion that we are to go on a crusade to South America?" Mr. CLAY intimated that he had advocated no such measure. "Do I not understand the gentleman?" said Mr. RANDOLPH ; "I am sorry I do not ; I labor under two great misfortunes—one is that I can never understand the honorable speaker—the other is that he can never understand me : on such terms, an argument can never be maintained between us, and I shall, therefore, put an end to it." Mr. CLAY simply expressed his surprise that he could so have misunderstood his remarks, and deferred the general argument to another occasion.

Soon after, on a proposition to "prevent our citizens from selling vessels of war to a foreign power," Mr. CLAY opposed the bill, on account of its evident bearing upon the question of South American Independence : it would everywhere be understood as a law framed expressly to prevent the offer of the slightest aid to these Republics by our citizens. "With respect to the nature of their struggle," he said, "I have not now, for the first time, to express my opinion and wishes. I wish them independence. It is the first step towards improving their condition."

In the summer of 1816, the President appointed Messrs.

RODNEY, GRAHAM and BLAND, Commissioners to ascertain the condition of the South American Republics and their ability for self-government. In March of the succeeding year, in the appropriation bill, was a clause appropriating \$30,000 for their compensation. This was opposed by Mr. CLAY, on the ground that it was unconstitutional, and that the appointment had been inexpedient. It was finally temporarily laid aside, and Mr. CLAY then brought forward a provision to appropriate \$18,000 as the outfit and one year's salary of a Minister from the United States to the independent provinces of the river La Plata in South America. The motion to insert this clause in the appropriation bill, was the occasion of the magnificent speech which he made on the general subject of South American Independence, on the 25th of March, 1818, and which, in every respect, is one of the most eloquent he ever pronounced. The measure, notwithstanding his zealous and powerful support, encountered the hostility of the President and a majority in Congress, and the resolution of Mr. CLAY was rejected.

Though defeated here, he did not relax his efforts in behalf of the oppressed and struggling inhabitants of the South American Republics. On the 10th of February, 1821, he submitted a resolution in favor of an immediate recognition of their independence, although their desperate struggle was not yet closed, and supported it with all the eloquent ardor with which he had advocated his previous motion. He had watched the contest between these infant Republics and a cruel despotism, with feelings of intense concern. He had seen their fertile fields crimsoned with their blood, and had heard the agonizing cry they had sent up to Heaven and to the nations of the earth. He had learned, too, the effect his

former efforts had produced, in awakening and sustaining their vigor and cheering them on to renewed and still more valorous exertions. His speeches had been read at the head of their armies; his name was repeated with reverence by every soldier in their ranks; and the Supreme Congress of Mexico had returned to him the national thanks for his able and disinterested labors in their behalf. He resumed the discussion of the subject, therefore, with higher hopes and a more burning zeal than had ever animated him before; and his exertions were crowned with eminent success. His resolution was carried by a vote of 87 to 68; and Mr. CLAY was appointed Chairman of a Committee to announce to President MONROE the action of the House. On the 8th of March, 1822, the President recommended to Congress the recognition of the Independence of the South American Republics: the Committee on Foreign Relations, to whom the recommendation was referred, reported in its favor, and on the 28th the recognition was finally voted, with but a single dissenting voice. Thus, through the instrumentality of Mr. CLAY, in opposition to the views and wishes of many of his warmest friends, was this great measure of national justice adopted by the United States. The first free nation on the globe, through his exertions, thus became the first to extend a generous sympathy to those who first essayed to follow in their path of national independence. He received, for his noble efforts, the thanks, warm and heartfelt, of those in whose behalf he labored: and, though his conduct was made the theme of party clamor and invective, the sentiment of every noble spirit in this land of freedom has done justice to the magnanimity of his zeal and the purity and uprightness of his motives.



It was at about this period of his public life, that Mr. CLAY became prominent as the friend and supporter of the great system of Internal Improvements, to which he had frequently before signified his devotion. In January, 1816, in the debate upon the treaty he had just aided to conclude with Great Britain, he had declared the policy which, in his judgment, it became our government to adopt. He urged them, after providing for the military and naval defence of the country, "to commence the great work of Internal Improvement." "I would see," said he, "a chain of turnpike roads and canals from Passamaquoddy to New Orleans; and other similar roads intersecting the mountains, to facilitate intercourse between all parts of the country, and to bind and connect us together."

On the 12th of March of that year, the Republican members of Congress met to nominate a candidate for the Presidency, as President MADISON had entered upon the last year of his second term. Mr. CLAY ineffectually opposed the nomination of President in Congressional caucus, as a dangerous precedent, and as likely to encounter the opposition and disfavor of the people; and Hon. JAMES MONROE was nominated as the Republican candidate for the office of President; and at the election that ensued he was elected by a large majority. In his last message to Congress, in December, 1816, President MADISON "particularly invited the attention of Congress to the expediency of exercising their existing powers, and, when necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals." On the 7th of February, 1817, an able report, in favor of the projected system, containing an outline of its principal features, with a lucid

exhibition of its beneficent operation, was submitted to the House, in which the estimates of the celebrated report of 1808 were again presented. It was thought, that, for the sum of twenty millions of dollars, a system of works might be accomplished which would confer on the people of the United States all the advantages of good roads and canals of which the country was susceptible. A bill was accordingly introduced into the House appropriating for purposes of Internal Improvement the bonus of a million and a half, which the Bank of the United States was to pay for its charter. This soon passed both Houses of Congress and was submitted to the President; who, it was supposed, would sign it without hesitation—as it was in accordance with the principles of his message. On the 3d of March, however, the day before his official term was to expire, he returned the bill with his objections.

On the 4th of March President MONROE was inaugurated; and, in his first message to Congress he expressed his opinion, in advance of all legislation on the subject, adverse to the constitutionality of Internal Improvement by the general government. He did this, he said, from a sense of the impropriety of reviving the discussion in Congress, with an uncertainty of his opinion on the subject. He did not succeed, however, in stifling debate: for at that session a series of resolutions, declaring the power of Congress to appropriate money for the construction of military roads, post-roads, and canals, was offered. The debate upon them was long and ardent. The effort of Mr. CLAY was exceedingly able and effective: his examination of President MONROE's message, though perfectly courteous and dignified, was close and severe; and his declaration of the constitutionality of the

proposed system was complete and conclusive. The first resolution, declaring the power of Congress to construct military and post-roads, was carried by a majority of twenty,—though the others were lost. Mr. CLAY, on various subsequent occasions, renewed the discussion of this great national question, and has always strenuously upheld the right of the general government to appropriate money for purposes of Internal Improvement. The Cumberland Road is, in itself, an enduring monument of his eloquent and persevering labors. For years, in opposition to the most powerful influences, in his own words, he “had to beg, entreat, supplicate Congress, session after session, to grant the necessary appropriations to complete the road.” “I have myself,” said he, “toiled until my powers have been exhausted and prostrated, to prevail on you to make the grant.” Upon the road stands a monument of stone, surmounted by the genius of Liberty, inscribed with the name of HENRY CLAY.

In January, 1819, the conduct of General JACKSON,—one of the most popular commanders in the army, whose defence of New Orleans, at the close of the war with Great Britain, had won for his gallantry the gratitude and admiration of the whole country,—in conducting the Florida campaign, came before the House of Representatives for investigation. The grounds upon which it became a subject of censure are so fully stated in the speech of Mr. CLAY, on the Seminole War, delivered in the House of Representatives on the 8th of January, 1819, that there is no necessity for a detailed exposition of them here. The whole contest had its origin in the division of the Indians, at the breaking out of the war between the United States and Great Britain, the majority of them aiding the latter power, while but a small part continued

friendly to us. A strong military force, under Gen. JACKSON, was accordingly sent into their territory; and the destructive warfare waged against them by that relentless chief, soon compelled them to the most abject and hopeless submission. A treaty was formed in August, 1814, at Fort Jackson, if an instrument deserved the name, which was, in fact, a mere imposition of the most insolent demands,—far more disgraceful to the Christian victors than to the savage people unfortunately subjected to their tender mercies. This treaty was signed by the chiefs of about one-third of the nation—that portion who had never been engaged in hostilities with us, and with whom, therefore, no treaty could be made. Occasional acts of enmity between the residue and the whites followed this mockery of pacification,—though a letter, written in the simple eloquence of their race and signed by ten of the Seminole towns, solemnly declares that not a single murder had been committed by the Indians, that was not in return for some similar outrage perpetrated by the whites. “The white people,” says the letter, “killed our people first; the Indians then took satisfaction. There are yet three men that the red people have never taken satisfaction for.” From this time the Indians were treated as outlaws, and in the prosecution of the war against them, all the dictates of humanity were disregarded, and the rights of neutrals were treated with unparalleled contempt. Indian chiefs were decoyed by Gen. JACKSON to his camp, by raising a foreign flag, then seized and executed with remorseless cruelty. Two Englishmen who fell into his hands, one of whom was in the Indian camp, and the other was seized on Spanish neutral ground, neither being convicted of any crime, were hung, in defiance of the decision of a court-martial he himself had summoned; and Pensacola was seized, without authority or color of law, mere-

ly in revenge of a fancied insult from the Spanish Governor, who had dared to remonstrate with him for having seized St. Marks, not only in defiance of right, but in contemptuous violation of the orders of his own government. These acts of Gen. JACKSON, high as he was exalted by his military fame in the eyes of the nation, had alarmed considerate men and invited their scrutiny. In both branches of Congress they were made the subject of examination, and the resolutions, which gave occasion, in the House, for Mr. CLAY's speech upon the general topic, had been reported by a Select Committee; and expressed the marked censure of the House of the obnoxious acts of General JACKSON. In giving them his support, Mr. CLAY not only did violence to the friendly feelings which had always, up to that time, existed between himself and the offending general, but placed himself in hazardous opposition to the strong current of the popular favor. But he stood upon the high ground of moral principle; and the eloquent speech in which he urged his views, while it treats with unusual forbearance and courtesy the man whom it so severely arraigns, vindicates, with remarkable clearness and power, the propriety of the course his sense of duty had urged him to take. The members of the House whom he addressed were almost without exception strongly prejudiced in favor of General JACKSON, and listened with reluctance to any imputations upon his character or his acts. President MONROE and every member of his Cabinet deeply shared this feeling, and felt warranted in interposing their influence against the resolutions of censure; so that it is not at all marvellous that they failed of success.

In thus sketching, up to the year 1819, the most prominent portions of Mr. CLAY's public service, we have purposely



omitted all reference to his efforts in behalf of that great system of PROTECTION TO AMERICAN INDUSTRY, with which, more closely than with any other legislative scheme, his name will for ever be connected. In order to place before the public, in its true light, the magnitude and merit of his exertions in its behalf, a connected statement of the condition and wants of the leading interests of the country will be necessary; and we deeply regret that our narrow limits forbid the detail which the importance of the subject would seem to demand. As we have already seen, in various modes and at various times in the history of the country, the propriety of building up American Manufactures had been recognized, though timidly and in apparent distrust of our national ability to effectuate so noble a scheme. In 1790 the Secretary of the Treasury was directed to examine and report upon the subject; and in 1810 the National Legislature had shown a marked solicitude to ascertain the actual progress of the United States in achieving the Independence commenced by the Revolution, by combining with the business of the census an inquiry into the condition of manufactures throughout the Union. Indeed, from the year 1808 to 1811, during the operation of what was called the Restrictive System, the importance of domestic manufactures became conspicuous to the nation, and sunk deep into the thoughts of every considerate statesman. During the four years—from 1804 to 1807, both inclusive—the average annual gross product of duties on merchandize imported, had been somewhat more than \$24,000, 000—nearly double the average amount received under the operation of the system which succeeded. To supply this deficiency in the revenue, upon the approach of the war, the permanent duties, previously imposed upon imported goods, were doubled, by an act of July 18th, 1812, and an addi-

tion of 10 per cent. was made to these double duties on goods imported in foreign vessels. This act, by its own limitation, expired on the 17th of February, 1816. The act imposing an additional duty, commonly called the "Mediterranean Fund," of 2 1-2 per cent. *ad valorem*, and a discriminating duty of 10 per cent. upon that additional duty, in respect to goods imported in foreign vessels, expired on the 3d of March, 1815. But the operation of the restrictive system, and of the war, fruitful as it was in suffering and mortification to the country, awakened to life in our soil the germ of future prosperity and independence. During the war, every patriot beheld with unmingled shame the illicit traffic which sprung up with the enemy, and saw clearly the necessity of providing, by legislation which should protect our own industry, against its recurrence. The principles of the social compact, requiring a surrender of a portion of the natural rights of the individual for the security of the whole society, were recognized, and the force of a similar principle, as operating between the several States of the Union and the federal government, was also felt. The variety of soil and of climate which the United States enjoyed, evinced her possession of all the elements of national independence: and the country felt the necessity of establishing a domestic, in preference to a foreign market, and the employment of domestic, in preference to foreign labor. Under the influence of this conviction, the march of domestic manufactures, which, from the peace of 1783 to the year 1808, had been slow but steady, after that period became bold and rapid. Cotton manufactories were multiplying at the North; so that, while in the year 1800 but 500 bales were manufactured, in 1815, 90,000 were reported;—a capital of \$40,000,000 was invested; employment was given to more than 100,000 persons, whose aggregate wages

amounted to \$15,000,000, and all the branches of Agricultural and Commercial Industry had received a powerful stimulus from the rapid and beneficent development of the manufacturing resources of the nation. In 1816 the subject came directly before Congress. A revision of the tariff was not then needed for purposes of revenue : for, by the estimates of the Committee of Ways and Means, it was shown that the permanent laws then in force would produce more than \$25,000,000 of revenue, while the ordinary expenses of the government were but little above \$15,000,000, thus leaving a surplus in the treasury after the necessary appropriations had been made for the payment of the public debt. The whole question was debated with reference to the policy of Protection ; and on the 12th of March a report was made by Mr. LOWMEDES, of South Carolina, strongly recommending a Tariff of Protection, vindicating its expediency at some length, and containing a detailed bill to effect the object. The first avowedly Protective Tariff ever proposed to the nation, thus had its origin in South Carolina, and received the able and ardent support of Hon. JOHN C. CALHOUN. While the bill was before the Committee of the Whole, its principles and general policy were most powerfully urged by Mr. CLAY, who sought especially to secure a more effectual protection for woollen goods than the bill proposed. The measure encountered the violent opposition of the New England section, on the mistaken and since abandoned ground that it would injure her commerce, which at that time was her paramount interest. It became a law, nevertheless, but proved quite inadequate to the effectual protection of our manufactories in their inexperienced infancy. The derangements of the currency aided the embarrassment, and the cotton business (with main ref-



erence to which the tariff was proposed,) continued in an unsettled state.

No farther legislation, however, was proposed until the session of 1819-20, when the subject of Protection again came before Congress, upon the same grounds and under nearly the same circumstances as before. A bill revising and improving the tariff of 1816, was supported, zealously and with great effect, by Mr. CLAY, and passed the House but was defeated in the Senate.

In 1824, the distress of the country again forced the subject of our National Industry upon the attention of Congress. Our exports had dwindled to an inconsiderable amount, while our imports of foreign goods had largely increased: the country was thus drained of its currency, which is always, in every country, its life-blood: we had lost nearly the whole of the carrying trade, by which the commercial prosperity of the nation had been greatly enhanced: disorder and embarrassment had been introduced into all our domestic affairs: we found at home no market for the products of the soil: manufactures were depressed, and neither cotton nor wool found here any sale: the produce of the farmer was stored in his barns, a dead-weight upon his hands: money to pay debts could only be procured at enormous and ruinous sacrifices: bankruptcy pervaded every class, destroying their prosperity, blighting their energy, and blasting their hopes: the price of labor was reduced almost to a level with that of the crowded and impoverished nations of Europe: the value of property throughout the nation had fallen nearly 50 per cent. within ten years: and in all the departments of our industry were to be seen only prostration and embarrassment, nor could the

clearest-sighted discern aught of relief in the future. It became the duty of Congress to examine the CAUSES of this wide-spread and undeniable distress ; and, as at this period the duties of the national representatives were not limited to ' taking care of themselves,' they addressed themselves to their responsible task with energy and a sincere desire to remedy the ills which had settled upon the nation. In the opinion of the Committee to whose charge the subject was entrusted, the lack of efficient Protection for our Home Industry was the great central cause of all the suffering of the land ; and a bill was accordingly reported, revising the Tariff of 1816, and placing American Labor in a far higher and more independent position than it had ever before occupied. The bill was PROTECTIVE in all its features ; and as such received the unqualified support of Mr. CLAY. He was its champion throughout the earnest and powerful debate which succeeded its introduction. Opposed to him were some of the strongest men in the country, actuated by different motives, basing their hostility mainly upon local, sectional considerations, and led on by Hon. DANIEL WEBSTER, then, as he has always been regarded since, one of the most formidable opponents in debate any of our statesmen have ever been called to encounter. The speech of Mr. CLAY, delivered on the 30th and 31st of March, is one of the strongest and most logical arguments he ever delivered. He sacrificed nothing to eloquent display ; his whole effort was to prove, by demonstration, by the clearest and most forcible reasoning and by all the experience of nations, the policy, the absolute necessity, of a Protective System ; and then to enforce his views upon the attention of Congress and of the country, by every consideration of patriotism, and by appeals to every generous and noble impulse which could have weight with upright,

single-minded and devoted statesmen. The speech merits the closest attention of every man who would clearly see the grounds on which all of national independence and prosperity for which we can reasonably hope, must be based. On the 16th of April the bill passed the House by a vote of 107 to 102, and soon after became a law. To Mr. CLAY's exertions its success was most justly attributed : all the strength of the friends of the system was centered in him ; upon his shoulders fell all the opposition of those who contested the passage of the bill, with a fierceness and ability seldom equalled in the history of Congressional debates. But he met every assailant with the same weapons of unanswerable logic and irresistible eloquence : the sarcastic abuse of RANDOLPH could not move or entice him from his ground, nor the strong blows of WEBSTER cause him for one moment to swerve from the great principle he had so warmly espoused. Through his exertions the bill became a law, and the AMERICAN SYSTEM was established.

Under the operation of this law, jointly with that of the National Bank, which was now fast restoring order and health to the national currency, the whole face of the country was renewed, as is that of Nature by the dawn of Spring. All her great interests were aroused to life ; a vigorous, steady growth was induced ; and the happiness of prosperous industry was diffused all over the land. The manufacturers of the North now found a ready sale for their goods ; laborers full employment for their hands ; and the producing classes a brisk market for their surplus produce. By the introduction of labor-saving machinery, manufactured goods were soon afforded at almost as low a cash price as those imported from England, while, in fact, taking into consideration the en-

hanced value of the farmer's products, and the profit of a market at home, established by the operation of the Tariff, they were far cheaper to the consumer than English goods had ever been. The manufactured article fell in the course of a few years to one-sixth of its former price ; the value of labor increased fourfold ; and the produce of the farmer and the staple of the planter increased, in worth, from 50 to 100 per cent. The home markets being protected from the floods of foreign goods, the currency of the country was kept at home, and business was thus saved from derangement and the industry of the people from prostration. The South, while she found a market for a large amount of her cotton at the North, received in return manufactured goods, much cheaper than she had ever procured them from abroad. Land slowly but steadily rose in value ; domestic commerce increased largely in amount ; provision was made for the speedy extinction of the national debt ; and the prosperity of the people seemed placed upon a secure and permanent foundation. Such was the operation of the Tariff of 1824, as shown by the experience of the seven years following its establishment ; and such will always be the effect produced by adequate Protection to American Industry, if at the same time the currency of the country rest on a safe and healthful basis.

The admission of Missouri as a State into the Union, was made, by its connection with the subject of Slavery, one of the most violently contested questions that ever agitated the councils of the nation. The name of Mr. CLAY will for ever remain associated with it, from his efforts to allay the tempest which it aroused, and his successful exertions to ward off from the Union the terrible danger which impended over it. A bill had been introduced into Congress, at the session of 1818-19,

providing for the admission of Missouri, on condition that all children of slaves, born after the passage of the act, should be free, after reaching the age of twenty-five years, and that the further introduction of slavery should be prohibited. After a long and ardent debate, the bill, with the condition, was passed; but, in the Senate, the condition was stricken out. The House refused to recede, and thus the bill was defeated. The excitement in Congress now infected the people, and during the recess the only topic that engaged general attention throughout the Union, was the admission of Missouri. It was discussed, and resolved upon, by State Legislatures; travelling orators spread the flame and fed the fire already burning with portentous fury; and the public press teemed with violence and inflammation. The whole North arrayed itself against the admission, and claimed for Congress the right to forbid the introduction of slavery into any new State. The South denied this right, and planted themselves upon the Constitution of the Union. Under these circumstances, and in this state of public feeling, Congress convened in 1819-20, and the discussion was renewed. Mr. CLAY, with all his power, urged the admission, on the ground that to Missouri alone belonged the subject of her domestic slavery; declaring at the same time, that, so great was his detestation of the system, were he a citizen of that State, he would never consent to a State Constitution which should not provide for its extinction. Above all things, he urged conciliation and compromise: for the safety of the Union was threatened, and the stability of this he deemed of paramount importance. A compromise, through his exertions, was finally effected: Committees of Conference were appointed, and an act was passed, authorizing Missouri to form a Constitution and State Government, and requiring that they should be Republican,

and "not repugnant to the Constitution of the United States." A final vote, after these preliminary steps should have been taken by the State, would still be necessary for her full admission. In June, 1820, the people of the State proceeded to form a Constitution, and inserted a section, providing for the "exclusion of free negroes from the State." The State government thus went into operation, in secure confidence of her speedy admission into the Union. But the public press found yet ground for a renewal of the contest: the original opponents of the admission of Missouri, protested against the provision for the exclusion of free negroes from the State as a violation of that part of the constitution which gave to every citizen of any State the right to remove to, or travel in, every other State: and obedience to this constitution the act of Congress providing for the admission of Missouri had made imperative. On the other hand, it was maintained, that the African race, bond or free, were not parties to our political institutions, and that free negroes were not, therefore, *citizens*, within the meaning of the Constitution: and furthermore, that, if they were, the provision in the State Constitution could be of no force—since it would be repugnant to, and overruled by, that of the nation. The perilous excitement with which the discussion of this question was again debated at the next session of Congress, had never been equaled by that of any other topic. Mr. CLAY, intending to leave Congress, by reason of embarrassment in his private affairs, at the opening of the session resigned his office as Speaker, and did not resume his seat in the House until the middle of January, 1821, when the discussion was at its height. Being fully aware of the nature of the issue to which the existing state of affairs was tending, and deeming no exertions too great to effect the peaceable settlement of the question, by

which alone the continuance of the Union could be secured, he moved the reference of the whole subject to a Select Committee of thirteen. The proposition passed, and on the 10th of February, as Chairman of that Committee, he made an able Report, concluding with an amendment to the resolution before the House, providing for the immediate admission of Missouri, on condition that she should never pass any laws preventing any description of persons, *who were citizens* of any other State, from coming into her territory; and requiring the assent of the Legislature to this condition. Though this resolution placed the whole matter upon ground to which neither party could object, it still left the main question, whether free negroes were, or were not, citizens, to the decision of the proper tribunals. Mr. CLAY urged its adoption, on the 12th, when it came before the Committee of the Whole, by strong arguments and by most earnest appeals to the patriotism of Congress. In committee, it was rejected, by a vote of 73 to 64; but, in the House, their decision was overruled, and the resolution passed to its third reading, when a most violent and bitter debate ensued, and it was lost by a vote of 83 to 80; brought about by the defection of Mr. RANDOLPH, who voted against it himself and procured a change of one or two other votes, expressly and avowedly on the ground, that its passage would, by increasing his popularity, secure the election of Mr. CLAY to the Presidency of the United States. The next day, however, a re-consideration was carried; the question again came up, and, in all its *ferve* personality and party bitterness, the debate was renewed. Mr. CLAY maintained his ground with dignity and with great zeal. All his powers of argument and eloquent entreaty were exhausted in the high attempt to secure, by the settlement of the question, the peace of the country; but all was to no

purpose: the resolution again was lost. The situation into which this final rejection of all attempts at pacification threw the country, seemed at once to alarm even the most headstrong and intemperate. It was known that propositions for steps, which must end in the dissolution of the Union, had been secretly and deliberately made, and this action of the House seemed to afford them a fair hope of success. A deep consciousness of the peril which thus overhung the country disposed Congress to avail itself of the aid of Mr. CLAY, who was the only member of that body at once cool and powerful enough to devise any adequate expedient to rescue the nation from her dangerous position. After allowing this feeling of apprehension and alarm to acquire sufficient strength and permanence, Mr. CLAY introduced a resolution simply providing for the appointment of a joint committee, to consult with a like committee from the Senate, upon the expediency of the admission of Missouri into the Union. In the House the motion was instantly and eagerly passed, by a vote of 103 to 55, and in the Senate it prevailed by a large majority. The joint committee met, and with great unanimity followed the lead of Mr. CLAY, who, the next day, reported a resolution precisely like the one before rejected. By a vote of 87 to 81 it was at once adopted by the House, and the Senate soon concurred. Thus was settled, solely by the exertions of Mr. CLAY, one of the most portentous disputes ever known in our history. The question in itself was calculated, more than any other, to arouse all the bitterness and animosity of the members of Congress, from different sections of the Union, and the manner in which it was discussed by the factious and unprincipled, left little room to hope for an amicable adjustment. At no time, however, did Mr. CLAY despair of the Republic, or relax his efforts to avert from it this



fearful danger which menaced its existence. By personal and private entreaty, as well as by his great exertions on the floor of Congress, he sought to restore that harmony and good will without which he saw no good could possibly be effected. That he was successful, was owing to the pure patriotism and the commanding ability of his labors; and for this one act alone, were it the only one, as it is but one of a thousand, by which his long public career has been illustrated, he would deserve the profoundest gratitude of the country he so successfully labored to save.

In the summer of 1823 Mr. CLAY was re-elected to Congress, without opposition; and on taking his seat, upon the first ballot he was chosen Speaker—receiving 139 votes, while Hon. P. P. BARBOUR, his opponent, received but 42. It was at this session, as we have already seen, that the revision of the Tariff of 1816, with the establishment of the Protective System, and the recognition of South American Independence, both measures, in the passage of which Mr. CLAY had taken a prominent and most efficient part, were effected. At this session, also, was discussed the resolution introduced by Mr. WEBSTER, and urged by him in one of the ablest speeches ever pronounced in Congress, providing for the recognition of the Independence of Greece. It received the cordial support of Mr. CLAY, but failed of success. His labors at this session, though most arduous and perplexing, had been deliberately chosen, in preference to higher and more honored stations. Although between himself and President MONROE, upon many important questions, a serious difference of opinion existed, he had been offered a seat in the Cabinet and a *carte blanche* of all the foreign missions. He declined all these proffered honors, from a settled conviction that he could be

employed with more benefit to the country, whose service was his highest ambition, in her halls of legislation.

The Presidential election of 1825 was now at hand. As early as 1822 preferences had been avowed for particular candidates in various parts of the country. The Legislatures of several of the States had formally nominated Mr. CLAY for that high office, and the names of Messrs. JOHN QUINCY ADAMS, ANDREW JACKSON, and W. H. CRAWFORD, were before the public as his competitors. The canvass was conducted with great earnestness, and towards the close of December, 1824, it was well understood that there was no choice by the people, and that JACKSON, ADAMS, and CRAWFORD, were the candidates returned to the House by the Electoral Colleges. Into the intrigues, by which Mr. CLAY was excluded, had we the desire, we have not the space, to enter. It is a fact, as undeniable as it is lamentable, that the highest, as well as the lowest offices, theoretically in the gift of the people, are often made the prizes of dexterous political gamblers, whose lack of principle, and ability for intrigue, are the instruments of their selfishness and ambition. It has been said, that by corrupt bribery the electoral vote of New York, which was confessedly in favor of Mr. CLAY, was secured to Mr. CRAWFORD; and the bearing of facts known to exist, tends to establish the truth of the charge. The result of the election was, that General JACKSON received 99 votes, Mr. ADAMS 84, and Mr. CRAWFORD 41: the choice of course devolved upon the House of Representatives; and as a member of that House whose vote would in effect decide the question, Mr. CLAY was placed in a delicate and responsible position. He was called upon to decide which of the three, who had been his rivals, should be elected. To his personal friends his

preference had long been known. To the whole Congressional Delegation from Kentucky, and to many eminent citizens of that State, he had months before avowed it. But obvious propriety prevented his proclaiming it in public ; and he accordingly maintained a decorous silence upon the subject. Of this his enemies sought to take advantage, either by force to drive him into their support, or, by crushing and destroying him, to revenge themselves for his opposition. The device was eminently worthy the men in whose hearts it was formed ; and none but those who believe in the doctrine of total depravity, in its full extent, will hesitate to regard, as a strange and seldom recurring epoch, that age which could give birth at once to malevolence sufficiently intense to devise, and wickedness base enough to execute, so foul a plot. A letter, now known to have been the result of a conspiracy, was published in Philadelphia, purporting to have been written by a member of Congress, stating, without reserve or qualification, that overtures had been made to the friends of Mr. CLAY, offering to him the Secretaryship of State, for his aid in electing Mr. ADAMS, and that they had been instantly accepted. Mr. CLAY instantly denied the charge, in most pointed and indignant terms ; and his Card was answered by a Mr. GEORGE KREMER, member of the House from Pennsylvania, who was afterwards proved to have been the pliant tool of his employers, and who avowed himself the author of the letter and declared that he stood ready to prove the allegations. Mr. CLAY demanded of the House a Committee of Inquiry, before whom Mr. KREMER might be heard, and where he could meet any accusation that any man might make. The committee was granted, and on the 5th of February, 1825, it was appointed by ballot—not a single member being a political friend of Mr. CLAY. But the malignant pur-

poses of the conspirators had been answered. They had laid a foundation for a superstructure of calumny before which, they flattered themselves, no purity or integrity could stand. To prosecute the matter further, and especially to prosecute it with a sincere desire to evolve the truth, would not only defeat their main object, but prove dangerous to themselves ; as it might result in one of those catastrophes by which, sometimes, the

"Engineer is hoist by his own petard."

They had done enough, they thought, if anything could do it, to drive Mr. CLAY into the support of General JACKSON ; and here, for the present, they sought to let the matter rest. The committee, therefore, made report that Mr. KREMER declined to appear before them, on the ground that the affair was one over which the House had no control ; and they, of their own knowledge, knew no reason why they should exercise their power of compelling testimony : they therefore chose to let the matter drop. It is difficult to detect, by the most subtle analysis of the human character, any base feeling which did not evidently enter into this conspiracy. Mr. KREMER was a man too utterly weak to be bold and consistent, even in wickedness ; and it required all the strategy of his employers to prevent his prematurely exploding the whole affair. He frequently declared his determination to offer an explanation and apology to Mr. CLAY ; and had gone so far as to draw up a paper for this purpose, which was submitted to him. He replied, however, that the affair had passed from his control into that of the House : and Mr. KREMER's friends took care that his attempts to break from the toils they had woven around him, should not be repeated. Thus

the matter rested : and the House was called upon to choose a President. That Mr. CLAY would vote for Gen. JACKSON, notwithstanding the attempt to dragoon him into his support, no one who remembered the manner in which he had arraigned his conduct in the Seminole campaign, and the grounds on which he had then based his violent censure, could for one moment anticipate. He had repeatedly declared, that in no case, short of absolute necessity, would he do it. General JACKSON himself, according to the testimony of his friend, Gen. CALL, did not expect it ; and had he done so, he would not only have incurred the contempt of every man of every party, but, as he himself has said, he would most richly have deserved it. Mr. CRAWFORD he did not choose to support, for the simple reason, that, as he had satisfied himself, by a personal visit, his health and physical abilities were not competent to the discharge of the arduous duties of the office. He had been a paralytic for more than two years, and therefore seemed out of the question to Mr. CLAY. Of course, then, he must vote for Mr. ADAMS, against whom, moreover, he could have no possible objection. He had long known him as a statesman of rare ability and of undoubted integrity ; and upon only a single point,—that involved in their joint discussions at Ghent,—had any difference of opinion arisen between them. He knew him, also, as the unwavering friend of the system of Protection, and of Internal Improvement : and both the others he knew to be hostile to those great measures of public policy. He accordingly gave his vote for Mr. ADAMS, who was elected : and, as a pledge of his sincerity in upholding his principles, and in utter scorn of the attempts which had been made to terrify him from that course, he forthwith accepted the office

of Secretary of State, which the President immediately placed in his hands.

Thus foiled in their principal purpose, the enemies of Mr. CLAY addressed themselves, with redoubled malignity, to the work of revenge. Though they had not been able to drive him into the support of General JACKSON, or to terrify him from an active participation in the administration of President ADAMS, they still deemed themselves sufficiently powerful to blast his name, and to cast a stain upon his honor, which years could not efface. They felt, too, his power as an opponent: and they despaired of destroying the administration—which was now their cherished purpose—unless they could first ruin him, its strong defence. General JACKSON, who was even then considered by the opposition their candidate at the next election, knew too well the estimation in which his public services were held by Mr. CLAY, to hope for a moment that he could ever be brought to his support. With alacrity, therefore, he placed himself at the head of that foul crew, who made it their business to vilify and defame the object of their hate and dread. Very soon after the election, he began to assert, in private circles, that he might have had the support of Mr. CLAY, if he would have consented to give him the Secretaryship. Presently the insinuations, which had been clandestinely made, assumed a more tangible shape. On the 8th of March, 1825, a letter was published, written by a Mr. BEVERLY, purporting to state the substance of a conversation held by the writer with Gen. JACKSON, at his own house, in which the latter distinctly said, that the friends of Mr. CLAY had made to him, explicitly, the offer of their support, on condition that he should not continue Mr. ADAMS as Secretary of State. This letter afforded all the

ground needed, by the enemies of Mr. CLAY, for more than two years of industrious slander. At the end of that time, however, they felt the need of a reinforcement, and prevailed upon General JACKSON himself to lend confirmation, over his own name, to the contents of the letter. In the form of a reply, dated June 5th, 1827, he directly charged the friends of Mr. CLAY with having made the alledged proposition, through a distinguished member of Congress; and accompanied his allegation with insinuations that the offer was made by the authority of Mr. CLAY. He proceeded at some length to detail the reply he gave, which was to the effect that, before he would accept the offer, "he would see the earth open and swallow both Mr. CLAY, and his friends, and himself with them," which was beyond doubt literally true; as the offer never would have been made, even to save him from so dire an emergency. Mr. CLAY immediately demanded the name of the "distinguished member of Congress," through whom the overtures had been made, and received from Gen. JACKSON the name of Mr. BUCHANAN, of Pennsylvania. Thus publicly called upon, Mr. BUCHANAN, although a personal and political friend of Gen. JACKSON, did not hesitate flatly to contradict the statement. He denied having made any such offer, and said that in the only conversation he ever had with Gen. JACKSON on the subject of retaining Mr. ADAMS as Secretary of State, "he had not the most distant idea that the General believed, or suspected, he came on behalf of Mr. CLAY or of his friends." Thus the assertion of JACKSON was not only left unsupported, but shown, by his own witness, to be a naked falsehood: but it was made by a distinguished man, and still carried with it some degree of weight. Enforced as it was by the whole opposition press in the Union, which circulated the charge and oftentimes purposely sup-

pressed the disapproval, it produced in the public mind a deep prejudice against Mr. CLAY, which years were not able to uproot. In January, 1828, Mr. CLAY published, in a pamphlet, a full examination of the slanderous charges, and brought forward an irresistible array of evidence, that he had, long before the alledged offer was said to have been made, repeatedly expressed his determination in no case to vote for Gen. JACKSON for the Presidency, but to cast his vote for Mr. ADAMS. By all men of honesty and candor, it was deemed a triumphant vindication; and even those who allowed themselves still to cherish a suspicion against Mr. CLAY, were deprived of their only show of evidence, by a letter from Mr. BEVERLEY, in 1841, explicitly admitting that, for the tale of a conversation with Gen. JACKSON, concerning the alledged overture, to which he had first given currency, in his published letter of 1825, there was not the slightest foundation in truth.

This wretched calumny has now had its day. Sustained, as for many years it was, by the testimony of men distinguished in the history of the country, it has had great influence with those upon whom it was intended to operate. For many years it has seriously injured the political reputation of Mr. CLAY, and has, beyond all doubt, in a good degree served the purpose for which it was invented. It has been repeatedly disproved so clearly, that few men will now risk their reputation for sanity so far as to profess in it a particle of belief. President ADAMS has declared it to be totally unfounded, and every shadow of proof by which it was sought to be sustained, has been swept away for ever. Many of the men who were foremost in giving it weight yet live—some still in the public councils, and others in the retirement of



private life. It is to be hoped that this portion of their public career lives fresh in their recollection : and that it receives from their consciences the reward it so richly merits.

The opposition which the administration of President ADAMS encountered, was, perhaps, more fierce and unprincipled than has been urged against any other in our history. Foremost among its assailants, as he had always been of Mr. CLAY, was Mr. RANDOLPH, the frequency and character of whose attacks we have had occasion to remark. The calumny breathed against the object of his hate, was precisely to his taste ; and he lost no opportunity of giving to it all possible bitterness. Holding a seat in Congress, he had a favorable opportunity, in the absence of Mr. CLAY—whom he feared as well as hated—to repeat his coarse libels ; and he availed himself of it to the utmost possible extent. He was accustomed to introduce into almost every one of his frequent and desultory harangues, abuse of Mr. CLAY, as bitter and personally offensive as his genius, peculiarly fitted for the work, could devise. The charge of corruption, which had been so zealously hinted, furnished him food for unlimited declamation ; and on one occasion, which we note as a specimen of his usual tone of remark, he denounced the friendship of the President and Mr. CLAY, as a “ coalition of Bliß and Black George,” a “ combination of the Puritan with the Blackleg.” It is not at all surprising that language like this should have stung the object of it to the most deadly resentment. It resulted in a duel, in which neither party was even wounded. This act of Mr. CLAY calls for no special comment. The principle of dueling is generally understood, though, unfortunately, not so generally condemned. It is the nature of an upright mind to feel, most deeply, an impu-

tation upon its integrity, and to count any sacrifice, that of life itself, as a slight price for its vindication. This feeling, instinctive in every breast is an exalted tribute to the dignity of virtue, most honorable to the character of man. Amid all his weakness and his sin, it proves more clearly than reasoning could do it, the existence within him of a high ideal of integrity and truth. The feeling of insult springs from Honor,

"the finest sense  
Of Justice which the human mind can frame."

The desire to revenge it, has its source in malignant passion, the curse of human nature, the bitter fruit of a depraved Will. Religion, Morality and the highest Prudence alike condemn it; and yet oftentimes men of the greatest virtue fall into this lowest vice. "Condemned, as it must be," says Mr. CLAY, "by the judgement and philosophy, to say nothing of the religion of every thinking man, dueling is an affair of feeling, about which we cannot, although we should, reason. The true corrective will be found, when all shall unite, as all ought to unite, in its unqualified proscription." This sounds like the plea of weakness—unworthy a man of principle and strength. There are men who find no insuperable difficulty in reasoning upon their feelings, and in obeying the dictates of judgement and of conscience. They are men of higher courage than the duelist: for they face not the weapon of an antagonist, but the fierceness of their passions and the scorn of society. We deem it, then, a mark of weakness in Mr. CLAY to have fought with RANDOLPH; but we cannot forget that it is a weakness from which few men in any age have been exempt.

The duties of Secretary of State were discharged by Mr.

CLAY with the same distinguished ability, which had marked all his public life. His health was very delicate, and on this account alone he at one time intended to resign.]

He kept his seat, however, and with wonderful labor and industry discharged its offices with the highest honor to the country he served. He availed himself of the opportunity his position afforded, to carry out still more fully the designs he had long cherished with regard to the independence and prosperity of the South American Republics. The powers of Europe had evinced a disposition hostile to these governments; and as a step of self-protection, they had invited a Congress to be composed of delegates from Mexico, Colombia and Central America; and sought also an association with the United States. Although the intentions of the proposed Congress were not satisfactorily explained, our government thought it impolitic to refuse; and Hon. JOHN SERGEANT and RICHARD C. ANDERSON, were appointed Commissioners. It was thought advisable, however, to give them very minute instructions as to their duties and the general principles upon which all their acts were to be based. The preparation of this document was committed to Mr. CLAY: and, in every respect, it is among the proudest monuments of his great ability, and of the true republican spirit which has always guided his public conduct. In furtherance of the same philanthropic design, Mr. CLAY addressed a letter, which is among the most important state papers in the archives of the country, to our minister at Russia, urging the Emperor to use all his influence toward putting a period to the war between Spain and her American Colonies, and indirectly asking his friendly interference in behalf of Greece, then struggling to break from Turkish tyranny. Both these worthy

purposes were successfully accomplished. The Russian minister at the Court of Spain was instructed to use his best exertions to effect a pacification between that nation and her colonies, and it was not long before their full independence was acknowledged by the mother country.

It is said, that during the official term of Mr. CLAY, a greater number of treaties with foreign powers were concluded at Washington than had ever before been made at that capital. Instead of sending ministers abroad to treat with other nations, the strength and dignity with which the duties of the Secretaryship were discharged, drew to the seat of our own government those with whom relations of amity were to be established. His ability in conducting these negotiations had been fully proved during the discussion of the treaty of Ghent: and the easy grace mingled with the most perfect dignity, by which all his official intercourse with others was marked, commanded, as it received, the unbounded admiration of all with whom he came in contact. We have not space, nor is it necessary, to examine the character of the various treaties which were concluded under his auspices. They relate mainly to our commercial interests, and are marked by the zeal he manifested in behalf of our rights and by the earnestness and enlightened liberality with which he sought to establish among all commercial nations, the system of perfect reciprocity. He believed that, in respect to our commerce and navigation, the United States had reached a position, where they could safely and profitably treat with foreign powers, on terms of perfect equality, and that, unlike our manufactures, which were in their infancy, to our commercial interests might well be allowed the utmost freedom. The principle had been mutually adopted in the London

treaty of commerce of 1815, that the merchant vessels of the two countries, with their cargoes, should be received into each other's ports on terms of entire equality ; but a stipulation was annexed, that the vessels of the two countries should only import the productions of those countries. Mr. CLAY sought to abolish this restriction ; and in the treaties which he concluded with the South American Republics it was successfully accomplished : so that whatever an American vessel can import, may, without reference to its place of growth or manufacture, be imported by the vessels of the party with whom we contract. The principle of these treaties is believed to be essentially sound, and although it has been severely censured by eminent statesmen, and especially by Mr. WEBSTER in his speech at Faneuil Hall, in Boston, on the 30th of September 1842, no facts have been submitted sufficient to disprove it, or to excite distrust of its sound economy. It was likewise opposed by Great Britain, as might be expected from the selfish legislation by which she has always sought to maintain her maritime supremacy. She declined its acceptance, when, in accordance with the instructions of Mr. CLAY, it was proposed by Mr. GALLATIN.

The canvass for the Presidential contest of 1828, was commenced immediately after the inauguration of President ADAMS, by the friends of General JACKSON. His military fame—founded solely upon the brilliant victory of New Orleans, had been found so available in a popular struggle, as to make it at once evident that upon him all the power of the opposition would unite. The administration was assailed, by a concerted movement from every part of the country, with a reckless violence seldom equalled, and with a disregard of fairness and truth, which could not possibly be sur-

passed. The grossest charges of extravagance and corruption were framed and industriously circulated ; opprobrious party epithets were coined or revived, and all the enginery of political warfare was brought into active requisition. It was foreseen, at an early day, that Mr. ADAMS could not be re-elected. Popular prejudice—the most formidable, because the least tangible, opponent a public man has to encounter—had been aroused against him ; and it was seen that, “ though pure as the angels of Heaven,” his administration was destined to be destroyed. The election was held in the autumn of 1828, and resulted in the election of Gen. JACKSON by a large majority. The administration of Mr. ADAMS had been marked by a political purity and a patriotic devotion to the welfare of the country, only paralleled by that of the early days of the Republic. In his distribution of official patronage, one of the most powerful instruments in the hands of the Executive, he had scrupulously rejected all party or personal considerations : he dismissed no man for his political opinions, but allowed the opposition a full share in the executive responsibilities of the government. Every department had been conducted with the strictest economy. In all our foreign relations, the dignity and welfare of the nation had been preserved unimpaired ; our commercial interests had been extended, and in all our domestic affairs the most sedulous regard had been manifested to the good of the nation. But never was virtue any security against calumny and detraction. The storm which assailed the President had its birth in the foulness of the political atmosphere, and its fury proved too potent for resistance. Well is it for the deserving and the good, that posterity cannot be blinded by prejudice and passion. By its own nature a LIE must perish, while political purity, like moral truth, receives heightened lustre from the

lapse of years. Even the eyes of the present generation look back upon the administration of President ADAMS with sadness and regret ; for they behold integrity now lost, and high worth trampled beneath the feet of the selfish and the base. Well was it said, by one of the elder Poets,

“ What War leaves scarless, Calumny confounds ;  
Truth lies entrapped, where Cunning finds no bar.”

In March, 1829, General JACKSON entered upon the duties of the Presidential office. On the day previous to his inauguration, Mr. CLAY resigned his office as Secretary of State ; and yielded to the wishes of a great number of his friends, that he should receive the compliment of a public dinner. In reply to a complimentary toast, he made a brief and eloquent speech, in which he submitted his public conduct to the judgment of his country, and spoke, frankly and courteously, of the citizen who had just been raised to the highest office in the nation. The terms in which he predicted the disastrous results of that election, are worthy of special attention : no considerate man will fail to observe the exactness with which they have been justified and fulfilled by subsequent events. On his journey to his home, in Kentucky, he received everywhere the most marked testimonials of public honor and approbation. At Frederick, in Maryland, and at Wheeling, he received magnificent complimentary festivals, and frankly avowed his political opinions and vindicated his public conduct in extended remarks on both occasions. He was received at Lexington with all the honors of a triumphal entry ; and wherever he went, the same manifestations of popular regard and affection waited upon his steps.

In the autumn of 1831, after a retirement of about two

years, spent in professional pursuits, Mr. CLAY was re-elected by the Legislature of Kentucky to the Senate of the United States: and, at about the same time he was nominated for the Presidency at the next election, in opposition to General JACKSON, by a National Convention held at Baltimore. The administration had at that time laid the foundation of a strong but blind popularity—the natural result of bold and vigorous measures, unfounded though they were upon a single principle of sound political economy; and most inimical, as subsequent events have proved them to be, to the best and most vital interests of the country. A ruthless proscription of political opponents, was among the first official acts of General JACKSON: the Executive patronage was made an engine of party warfare; and thus was planted the root of political depravity, which has since sprung into such “foul flowering,” and overspread the nation with its deadly shade. The power of the President had become, in Congress, almost resistless. The majority were but the obedient servants of his will; and while in theory he avowed himself a co-ordinate branch, in practice he proved the controlling head, of the legislative department of the government. At the time of Mr. CLAY’s entry upon his Senatorial duties, the subject of the tariff was again engrossing the attention of Congress and of the nation. The President was an insidious opponent of the Protective system, and evinced a disposition to secure its abandonment. Leading, as he did, the legislation of Congress, there was great reason to fear that his efforts would prove successful. But a more instant danger impended from the growing discontent of the South. Their staple was cotton, for which they had, up to that time, found their principal market in England; and they were indignant at the imposition of duties upon the cotton stuffs they received in ex-



turn. The tariff, they alledged, operated against their peculiar interest, and they avowed an intention to resist its injunctions, unless it was modified in accordance with their views. Though willing to make all reasonable sacrifices for the peace and welfare of every portion of his country, Mr. CLAY could not consent to the surrender of the Protective policy; and on the 9th of January, 1832, he introduced a resolution, providing for the reduction of duties on all articles except silks and wines, which did not come into competition with similar articles produced or manufactured in the United States. He sustained his resolution in an eloquent speech, firmly upholding the policy of Protection, and justifying the concessions he felt disposed to make to the demands of the South. In answer to Mr. HAYNE, of South Carolina, who replied to his speech, Mr. CLAY delivered his great defence of the American System, against the British Colonial System; in which, by the soundest argument, as well as by the most abundant historical evidence, he sustained, against the advocates of Free Trade, the doctrines he had always and with so much earnestness, upheld and defended. It was continued through several days, and is, perhaps, the most full and conclusive argument in defence of the Protective System to which easy reference can now be made. On the 13th of March, Mr. DICKERSON, from the Committee on Manufactures, reported a bill, conformed to the principles of Mr. CLAY's resolution. It was discussed with great animation, and finally became a law in July, 1832.

This bill did not satisfy the South. It preserved all the essential features of the Protective System, and it was against this that their hate was enlisted. They declared their determination to disregard the law, and proclaimed the right of

every State, at its pleasure, to render null and void any act of the Federal Congress. South Carolina placed herself at the head of this movement of disunion, and on the 19th of November, 1832, a State Convention assembled at Columbia to deliberate upon the aspect of affairs. An ordinance was passed on the 14th, declaring the tariff laws unconstitutional and utterly null and void. The proceedings of this convention were soon after ratified by the Legislature, and an oath act was passed, requiring every officer of the State, civil or military, solemnly to swear that he would "well and truly obey, execute and enforce the ordinance to nullify certain acts of the Congress of the United States." Provision was made for armed resistance to all attempts to enforce these laws; the co-operation of the other Southern States was solicited; hints were thrown out that the alliance of Great Britain would be invited; and the enemies of freedom and self-government throughout the world began to rejoice at the expected dissolution of the American Union. A proclamation was issued by President JACKSON, denouncing the doctrines of Nullification, and declaring that the whole military power of the Union should be used to crush armed resistance to the laws of the United States. A counter proclamation from the Governor of South Carolina followed, exhorting the citizens of that State to disregard utterly the threats of the President, and to prepare for resistance by force to the obnoxious laws.

Thus was civil war threatened, and the existence of the Union menaced. Upon which side the right would have been, no man can for a moment doubt. The course of the President, so far as it proclaimed his intention to support the laws of the Union, met, as it deserved, unanimous applause.

But, though thus willing to suppress insurrection, the administration wished to surrender the principle of Protection, and thus to yield all that was asked to the insurgent State. In the early part of the session Mr. McLANE, the Secretary of the Treasury, had submitted a report, recommending the abandonment of the Protective System, as conferring undue advantage upon the manufacturing interests, and the reduction of the duties to a strictly revenue standard; and he deemed \$12,000,000 a sufficient amount. The report was referred to the Committee of Ways and Means, and on the 27th of December, Mr. VERPLANCK, from that committee, reported a bill embracing the principles of that Report, and recommending, in detail, a scale of duties in accordance therewith. It reduced the duties on imported goods to an average of not more than 15 per cent.—upon the *foreign* valuation—and surrendered the principle of Protection as completely as Nullification itself could desire.

Here was a crisis which involved the best interests of the nation, and which called upon every statesman for his most zealous efforts. Mr. CLAY was fully aroused to the importance of speedy and efficient action, and his great abilities were quite equal to the emergency. He beheld the American System, of which he was the author and defender, in danger of destruction, from two opposing quarters—the administration of President JACKSON, and the Nullification of South Carolina. Both were alike hostile to it, but both were also hostile to each other. He resolved, therefore, to effect a compromise and to bring forward a bill, which, while it should satisfy the enemies of the Tariff, by a great reduction of the duty, should, at the same time, by its gradual operation, secure the American Laborer from the ruin which

must instantly overwhelm him, in the event of the passage of Mr. VERPLANCK's bill, and the people of his beloved country against the horrors of civil war which would follow its defeat and the enforcement of the proclamation of the President. He submitted to his friends his proposed plan. He consulted, as to its operation upon the great interests of the country with the principal business men throughout the Union; he took the advice of Hon. J. M. CLAYTON, of Delaware, Mr. SIMMONS, of Rhode Island, Senator JOHNSTON, and many other political men, all of whom gave it their warmest and most undivided approval. Mr. WEBSTER disliked it, and refused it his support. He was not disposed, he said, to enter into the proposed treaty. If the people wanted a Tariff, they would sustain it: if not, it could not be sustained at all. After he had prepared the bill, Mr. CLAY submitted it to Mr. CALHOUN, one of the most prominent of the Nullifiers. He also, through mutual friends, ascertained that all the Southern members, as he had supposed they would be, were favorably disposed towards it, from their deep dislike of the President. From any one but him, they were prepared to listen to propositions for a compromise. On the 12th of February, 1833, then, Mr. CLAY introduced his COMPROMISE BILL, providing for a gradual reduction of duties until 1842, when 50 per cent. at a home valuation should be the rate, "until otherwise regulated by law." He introduced it by some brief, temperate and influential remarks upon the general state of the country, and especially upon the instant danger by which the Tariff was threatened. He deprecated the bitter turmoil and strife by which the country had been distracted upon the subject, and appealed, earnestly and pathetically, to the patriotism of Congress, to consider the measure he submitted in no party aspect, but as a sincere offering to

the welfare and interests of the nation. The bill was debated for a long time. All heartily approved the feelings which had evidently dictated the introduction of the measure, though it met with strenuous opposition from various quarters. Mr. FORSYTH spoke in tones of exultation of the admission of Mr. CLAY, that the Tariff was in danger: "it is," said he, "at its last gasp—no hellebore can cure it." Mr. SMITH, of Maryland, opposed it because it "contained nothing but Protection from beginning to end." Mr. CALHOUN spoke in the most handsome terms of the motives which had prompted to the introduction of the bill, and entirely approved the principle of an *ad valorem* system. He trusted, he said, that all difficulties would be adjusted, "without at all yielding the constitutional question as to the right of Protection." Much opposition was made to the introduction of the bill at all, and when it was fairly before the Senate, from the Committee, it was debated with great spirit for many days. Mr. CLAY, throughout the discussion, remained perfectly cool, and urged its adoption with all his powers of argument and eloquence. He was greatly aided by several Senators who entered heartily into his views and gave the bill their zealous support. The Southern Senators opposed it mainly because it required a home valuation: this Mr. CLAY insisted on, and they finally, though with evident reluctance, yielded. Towards the close of the debate, a personal difficulty arose between Mr. POINDEXTER, of Mississippi, and Mr. WEBSTER. The former, in the course of his reply to a very powerful attack from Mr. WEBSTER upon the Compromise Bill of Mr. CLAY, made reference to the course of Mr. W., during the war of 1812. Mr. WEBSTER declined all explanation, and Mr. POINDEXTER immediately declared, that he "felt the most perfect contempt for the Senator from Massachusetts." Mr. CLAY interfered,

with his usual generosity, and in a few remarks, complimentary alike to both Senators, effected a mutually satisfactory explanation. The bill finally passed the Senate by the following vote :

**YEAS**—Messrs. Bell, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hill, Holmes, Johnston, King, Mangum, Miller, Moore, Naudain, Poindexter, Rives, Robinson, Sprague, Tomlinson, Tyler, Waggaman, White, Wright—29.

**NAYS**—Messrs. Benton, Buckner, Dallas, Dickerson, Dudley, Hendricks, Knight, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Tipton, Webster, Wilkins—16.

In the House it passed by a vote of 120 to 84, and soon became a law.

The importance of this Act will never be properly estimated, because it was simply a measure of prevention ; and the horror of the storm which it hushed can never be known, since it was not allowed to burst. At the time of its enactment, however, the whole Union resounded with rejoicing. The moral terrors of a civil war were deeply, intensely felt, although they were not seen : and there was not a heart throughout the land which was not filled with gratitude to **HENRY CLAY** for his great aid at this moment of fearful peril. Even his most bitter enemies, at that day, were forced to acknowledge the merit of the deed ; and though some opposed the act, few ventured to impugn the motives of the man who had brought it forward and urged it to a law. Men of all parties, from that day to this, have united in approving his course ; and it was with no slight surprise that the friends of both these distinguished statesmen heard from the lips of

Mr. WEBSTER, at Boston, on the 30th of September, 1842 pointed insinuations against the personal motives of Mr. CLAY, and open and severe denunciation of the objects the bill was ostensibly designed to reach. It is not our purpose, as it does not become us, to say more of that singular speech, in this place : but it may not be amiss to state, as collected from his own remarks and the circumstances of the case, what were the prominent reasons for the proposal and adoption of the Compromise Act.

In the first place, the AMERICAN SYSTEM was in danger of instant destruction. The bill of Mr. VERPLANCK, with its average 15 per cent. *ad valorem* duties, upon a foreign valuation, would effectually have crushed it for ever. A manufacturing capital of one hundred millions would have been utterly sunk : the whole industry of the land would have been blasted ; and one of the most fearful changes in the whole policy of our government would suddenly, and without warning, have been introduced. This bill was before the House while Mr. CLAY'S was in the Senate. That it would pass, if his failed, no one doubted. That Gen. JACKSON favored it, would have ensured its passage ; and that he did so, is established by the most undoubted evidence. Hon. HUGH L. WHITE has given his testimony before a Committee of the House, that, when it devolved upon him as President *pro tempore* of the Senate, to appoint a Committee to whom the Compromise Bill should be referred, President JACKSON personally urged him to make up that Committee of members favorable to Mr. VERPLANCK'S bill, and thus to ensure its passage. What, in such a posture of public affairs, could be done ? A high tariff could not be thought of, nor could the existing laws remain in force. There was this plain alterna-

tive : either to adopt Mr. VERPLANCK's bill and abandon Protection for ever, or procure a respite, harmonize the country, restore tranquillity, and trust to nine years, experience and the sound sense of the country for the result. The last was the course which Mr. CLAY adopted. He hoped thus, as he said himself, to "place the system on a secure basis,—to plant it in the bosoms and affections of the people." He did not intend it for a permanent settlement of the tariff question : but only for an expedient to postpone such a settlement until the less excited condition, and the increased experience of the country, should offer a far more favorable opportunity for it.

The other leading motive which influenced him in the course he took, was the prevention of a civil war : and we trust there is no man who is disposed to regard this as a light or unworthy consideration. Its danger was imminent. South Carolina stood ready, at a moment's warning, to strike the initial blow ; and, once commenced, there was no reason to believe that she would be left alone to sustain it. It would inevitably have spread to the other Southern States, and bathed our fields in blood and our national name in infamy. This result other men would have braved : Mr. CLAY chose to avert it ; and for successfully doing this, at that day he received, as he deserved, the warm thanks of all his fellow members—including Mr. WEBSTER, (who, though he opposed the act, paid worthy compliments to the motives and feelings of Mr. CLAY,) and the gratitude of the whole country he had endeavored to serve.

The Compromise Act has now expired by its own limitation. The period has arrived, contemplated by the act itself,



when further laws would be necessary for the regulation of the Tariff—and those laws have been made. It is easy, as it is natural, now that we have reaped the benefit of the Compromise, in the pacification of the country and the rescue of the Protective System from the hands of its enemies, to regret that we have any price to pay therefor—that the question was not settled in 1833, so that we should be quit of its vexation and responsibility now. This is easy, but is it reasonable? There were two points of time at which the question of a Tariff might be settled: one, amid the fierce contentions, the bitter jealousies, and the bristling treason of 1833,—the other, in the comparative quiet of 1842. Which of the two would any considerate man have chosen? And is there a single person, who knows and appreciates all the circumstances of the case, who can deliberately wish the other had been selected—remembering, too, the certainty that, if it had, Mr. VERPLANCK's bill would have become a law, and Protection would have been surrendered for ever? But, we waste time, and, worse than that, room, in apologizing for the Compromise. The people of the whole Union have united to espouse its policy and to render the sincere tribute of their thanks to its author. In a tour to the Eastern States, which Mr. CLAY made in the summer of 1833, he received the spontaneous applause of the people wherever he went. In all the cities and principal towns, cavalcades, public festivals, and other marks of popular esteem greeted his appearance, and made his journey different only in form from the triumphal processions of ancient times.

The policy of Mr. CLAY with regard to the disposal of the Public Lands, is indissolubly connected with his name. These lands, originally the property of the thirteen confed

erated States, had been ceded by them to the federal government, upon the adoption of our present Constitution, as a security for the payment of the debt incurred by the war of the Revolution. The debt in 1832 was nearly paid ; and it became a question of some importance, what disposal should be made of these lands, now that the specific purpose for which they were ceded, had been secured. The right of the thirteen States to share in them, was unimpaired ; and yet the suggestion was made, that they should be surrendered to the new States in which they lie. In March, an inquiry into the subject was voted in the Senate, and the matter, contrary to all propriety, was referred to the Committee on Manufactures, of which Mr. CLAY was chairman. Being at the same time a candidate for the Presidency, it was believed that his course upon the question would be decided by that consideration. His enemies confidently expected, therefore, a report recommending the surrender of the lands to the Western States in which they lay : and they had prepared themselves for a consequent crusade against him in the Eastern States. But he disappointed them, by reporting a bill for the equitable distribution of the proceeds of the sales among all the States of the Union, after paying 12 1-2 per cent. to the States in which they lay. On the 20th of June, 1832, he supported his recommendation in an able speech, to which, in behalf of the administration, Mr. BENTON replied. On the 3d of July the bill passed the Senate, by a vote of 20 to 18 : but, as the session was near its close, it was postponed in the House. At the next session, however, it was passed in both Houses, and sent to the President for his approval. Knowing that it would become a law by a two-thirds vote, should it be then returned, Gen. JACKSON availed himself of the near adjournment of Congress, and, by retaining it in his pos-

session, defeated the bill. At the next session it was returned with his objections. The President regarded the proposition to give 12 1-2 per cent. of the lands to the new States as unconstitutional: he therefore returned the bill, and recommended that *the whole* of the lands should be surrendered to the States in which they lay. In this way he proposed to obviate the unconstitutionality of the measure proposed.

At the time when General JACKSON entered upon the discharge of his Presidential duties, the country was in a condition of high and apparently permanent prosperity. A sound and healthy currency circulated freely throughout the Union, furnished by the people themselves, and controlled by the operation of the United States Bank, an institution in no considerable degree under the control of the government. The circulating medium was moderate in its quantity, for it was wholly the creature of the wants of society, and thus always answered and never exceeded the demands of business: there was constant steadiness in its value, and perfect safety in its use. Government, like an organic being, performed all its functions with unconscious ease. In a state of health no man thinks of counting his pulse, nor is the beating of his heart attended with pain or even a consciousness of its operation. But when fever seizes upon the system every throb is painfully felt, and every pulsation sends a thrill of conscious agony throughout the frame. So was it with the affairs of State in 1829. With a safe currency of uniform value, and an efficient Tariff of Protection, all branches of industry flourished, and the condition of our national affairs was one of high and proud prosperity. The legislation of Congress had been so wholesome and benign in its operations, that it created no dread anxiety in the

public mind: with a feeling of reliance upon government, and of confidence in the stability of its plans, all business men felt secure of an adequate return for their industry and enterprise. Our national legislation was based upon the soundest experience and the most established principles of political economy. The men to whom the business of shaping our national character and policy had been entrusted, had deemed themselves bound to follow the lights of history, and not to rush into the rash and dangerous path of experiment. Stability and uniformity of value in our currency, republican simplicity in the administration of the government, official purity in all the executive branches, security to all engaged in business, dependent solely upon care, a sound judgement and untiring industry, the flourishing condition of all departments of industry and universal happiness and prosperity, bore decisive testimony to the wisdom and soundness of their views. All our interests were in the most prosperous condition; and the government of the United States seemed destined speedily to achieve, as nearly as it can ever be done by political or civil institutions, the perfect equality and happiness of all its members.

How sadly all this is changed, no one need be told. The cause and history of our sudden downfall, have been too often developed in our public prints, to make it either necessary or proper, in this place, to enter very fully into the details of our disgrace. To the interference of the Government with the Currency of the People,—to the attempt, on the part of the Executive department, upon the advent of Gen. JACKSON, to obtain control of that which can only work safely and beneficially, when left free,—candid and sound men, without distinction of party, now attribute all derangement

in our business relations, and much of the suffering and disgrace that have fallen upon our country. Almost immediately after the advent of President JACKSON, a purpose became evident, on the part of the administration, to induce or force the Bank of the United States to exert an active and efficient influence in support of the party which had proved victorious in the Presidential struggle. Experience had proved that a State, at least, could be ruled through the banking system; and analogy seemed to warrant the belief that the same power which had kept the State of New York, by the agency of a single collecting bank, chained to the car of party, might, if skilfully wielded, through the National Bank with its twenty-five branches reaching into and controlling all the State institutions, effect the same purposes with regard to the whole Union. The first attempt was made upon the New Hampshire branch at Portsmouth. JEREMIAH MASON, Esq., an ardent opponent of General JACKSON, was the President, and of course the first object to be accomplished was to secure his deposition with that of the directors, and to fill these offices with creatures of the President. On the 11th of July 1829, a confidential letter from LEVI WOODBURY was sent by the Secretary of the Treasury, to Mr. BIDDLE, President of the National Bank, containing vague complaints against Mr. MASON, and saying that similar charges would soon be made against Branches in other States. They were repeated with additions in subsequent communications, and in a letter to the Secretary of the Treasury, dated July 27th, Mr. WOODBURY speaks of the *political character* of Mr. MASON, as being decidedly hostile to the Administration. The complaints were all heard and examined; and the President of the National Bank in his reply, declares that the principle on which the affairs of the Bank have been and shall be

conducted was that of entire independence of all party considerations: "the relation of the Bank to the Government," said he, "is that of an impartial and independent friend—not a politician." This was followed by further communications from the Secretary of the Treasury, insisting upon the charges preferred against Mr. MASON, "by the friends of Gen. JACKSON," and finally stating, as a parting admonition, that "such an avowal of the views of the administration had been given, as could not fairly be misunderstood." The attempt to cajole the Bank was unsuccessful: the charges were dismissed, and the President of the Portsmouth Branch was retained in his place. Resort was then had to threats. The Secretary of the Treasury, in a letter to the President of the Bank, threatened the institution with the power of the administration, which could be used in the appointment of five Directors, and in "the withdrawal of the *Public Deposites*."

In his first annual message, sent December 8th, 1829,—just after the failure of this insidious attempt to seduce the Bank into a party connection with the administration,—President JACKSON notices the fact that the Bank would probably soon desire a renewal of its charter; and contents himself with hinting that the "constitutionality and expediency of the law creating the Bank are questioned by the people." In his second message, he repeats the delicate suggestion that the Veto power is in his hands, but speaks also of the propriety of so "modifying the principles and structure of the Bank as to obviate constitutional and other objections;" evidently insinuating that, unless the Executive could have a share in devising the charter, it would encounter the veto. In his third message, of December 10th, 1831, he repeats his

doubts about the constitutionality of the Bank as "at present organized," but "leaves the subject to the investigation of the people and their representatives." This investigation was made, and resulted in the grant of a charter to the Bank, by a vote in the House of 107 to 85—although the President had a large majority in that body. On the 4th of July, 1832, the bill was sent to the President; and on the 11th it was returned with his objections. The true motive which influenced him to veto the bill was expressed, and the precise meaning of several hints in his previous messages, was explained, by the assurance, in his veto message, that "if the Executive had been called on to furnish the project of a National Bank, the duty would have been cheerfully performed." Upon its reception in the Senate, the veto was boldly and most ably denounced by Mr. CLAY, who clearly exposed the arbitrary character of its assumptions, and condemned the doctrines upon which it was based. He declared himself, then, in favor of the policy which he has since proclaimed and upheld—the further limitation of the veto power.

Attempts were now organized by the administration to destroy the Bank. A Committee of investigation had been appointed in the House, and no means were left untried to produce testimony there which should justify the meditated assaults upon that institution. An attempt was made to criminate the President, through the testimony of one RICHARD M. WHITNEY, who, in the late war with Great Britain, had acted the part of a sutler for the British troops in Canada, and who was then, as it was afterwards shown, induced by Mr. BENTON to make himself a tool in the hands of the cabal who sought the destruction of the Bank. The effort signally failed: for WHITNEY was discredited by a witness he himself

had summoned. The contest now became more open. In his message of December 4th, 1832, the President expresses the apprehension that the Bank of the United States is no longer "a safe depository of the money of the people." To give color to this charge of insolvency, a most unprincipled attempt was made to break the branch of the Bank at Savannah. A broker in New York, acting under instructions, collected about \$300,000 of the bills of the Savannah branch and sent them on, demanding specie on the instant. A gentleman in this city, noticing the sudden disappearance of the bills from circulation, suspected some sinister intent, and immediately gave information of the fact to the President of the Bank, who forthwith sent a large amount of specie to Savannah, and the notes were thus promptly redeemed. Had this infamous design succeeded, a run upon all the branches would instantly have followed, by public and private depositors, a stoppage of specie payments would have been coerced, and the charge of insolvency would have been deemed established—to the sudden ruin of every kind of business in the country. The charge brought against the Bank, by the President, was taken into serious consideration by Congress, and the affairs of the institution were subjected to a strict investigation. It was thus ascertained that the liabilities of the Bank were \$37,296,950, and the fund to meet them \$79,593,870—making an excess of \$42,296,920. So absurd was the suspicion of insolvency, in the face of this fact, that the House of Representatives, by a vote of 109 to 46, declared that the deposits of the United States were perfectly safe in the vaults of the Bank.

General JACKSON was re-elected, and on the 4th of March, 1833, was inaugurated as President: and he now resolved



upon an exercise of power more arbitrary and ruinous than he had before ventured to exert. Mr. McLANE, who was then Secretary of the Treasury, was openly opposed, as were three other members of the Cabinet, to the removal of the deposits. He was accordingly soon removed, and Hon. W. J. DUANE appointed in his place. He took the oath of office on the 1st of June. He was soon after called upon by Mr. WHITNEY, whom we have already mentioned, and informed of the intended action of the President with regard to the Bank. He was told that Gen. JACKSON had determined to direct the Secretary of the Treasury to withdraw the deposits from the United States Bank and to place them in the State Banks: that AMOS KENDALL, a man in no way connected with the Cabinet, was preparing the order, and that this measure would be made the rallying point for the party. The next day Mr. KENDALL himself waited upon the Secretary, and convinced him that it was intended to reduce him "to a mere cipher in the administration." The President left Washington on the 6th, and did not return until July 4th. Efforts were then renewed to induce Mr. DUANE to order the removal of the deposits—but to no purpose. He persisted in his refusal, nor would he resign his office. He was accordingly dismissed, and Mr. ROGER B. TANEY appointed in his stead. The Executive bidding was now performed with alacrity: and after the first of October, 1833, the United States deposits were ordered to be placed in State Banks selected by an agent of the government. The average amount of the government deposits, at that time, was about ten millions of dollars. This amount, which had before served as a basis of discount, was now suddenly withdrawn, and the Bank was forced to curtail its issues by a proportional amount. The attempts of the administration to ruin the

credit of the Bank were continued, by the Executive organs at Washington and throughout the country; and this, joined to the embarrassment caused by a curtailment of her issues, created a panic in business circles which was followed by universal stagnation and the ruin of thousands.

This act of arbitrary power was announced by the President to Congress in his message of 1833-4, and was by no means permitted to pass unproved. Mr. CLAY immediately introduced resolutions, which instantly passed, calling upon Mr. TANEY for the reasons for the removal of the deposits, and for copies of documents by which he sought to justify his course. The reply was evasive and unsatisfactory; and on the 26th of December Mr. CLAY introduced a series of resolutions denouncing the removal, by the President, of the Secretary of the Treasury, because he would not do his bidding, as the exercise of a power over the Treasury of the United States not granted by the Constitution and laws, and dangerous to the liberties of the people, and pronouncing the Secretary's "reasons" "unsatisfactory and insufficient." He supported these resolutions in a speech of great length and of surpassing ability and eloquence. He recounted the prominent features of the administration of General JACKSON, and pointed out, with great clearness, and depicted, in glowing language, the dangerous tendency of the principles upon which he had attempted to justify his ambitious conduct and his encroachments upon the prerogatives of Congress and the heads of departments. The resolution declaring the insufficiency of the Secretary's reasons, was reported by a Committee of which Mr. WEBSTER was chairman, and was adopted in the Senate by a vote of 28 to 18. The other was slightly modified by Mr. CLAY and then passed, by a vote of 26 to 20.

The passage of these resolutions called forth the celebrated Protest of the President, in which he declared himself alone responsible for the acts of his Cabinet, and insisted that he was not to be bound by the decisions of either Congress or the Judiciary, but that he was simply to administer the government according to the Constitution, as he understood it. This document aroused, in the Senate, the deepest indignation. Mr. POINDEXTER moved that it should not be received: and upon this motion ensued a debate marked by ability, eloquence, and stern condemnation of the Executive pretensions, seldom equaled in our Congressional history. Senators from every part of the country raised their voices against the novel and dangerous doctrines of the Protest, and the discussion was continued until the 21st of April, when the motion was withdrawn, and a series of resolutions, excluding the offensive document from the Journals, and denying the right of the President to protest against any part of the doings of the Senate, were introduced in its stead. After a debate, most able and somewhat protracted, these passed by a vote of 27 to 16. They were followed by a resolution offered by Mr. CLAY, directing the restoration of the deposits: it passed the Senate, but, in the House, was laid upon the table. In all these exciting debates, Mr. CLAY took a prominent part. His labors were extremely arduous, and he left Washington on the 1st of July, 1834. He narrowly escaped being killed, by the overturning of the stage coach, on his way, near Charlestown, Va. A young man sitting by his side was instantly killed—but Mr. CLAY was only slightly injured.

The discussion and settlement of our relations with France occupied much attention at the session of 1834-5; and the rashness of the President, but for the efforts of Mr. CLAY,

would without doubt have involved us in a most disastrous war with that nation—to the certain ruin of our commerce and the general injury of all our interests. In July 1831, a treaty had been concluded, in which provision was made for the payment of certain claims, made by citizens of the United States, and often admitted by France, for aggressions upon our commerce between the years 1800 and 1817. The first payment was not promptly made; and with a haste and headlong rashness, characteristic of the man and all his acts, the President recommended the passage of a law, authorizing reprisals upon French property, in case provision should not be made for the immediate payment of the debt at the next session of the French Chamber. This message at once checked our commerce, greatly increased the rates of ocean insurance, and carried general alarm and confusion into all departments of business. In the Senate Mr. CLAY, in behalf of the Committee to whom the subject was referred, on the 6th of January 1835, read a Report, long and full in its examination of the whole subject, clear and decided in its condemnation of the Executive policy and urging its views with an eloquent strength which commanded assent. It was received with unequalled favor; twenty thousand copies were ordered to be printed, and it restored to the nation peace and commercial confidence. On the 14th of January, the subject was discussed, and after most able speeches by Mr. CLAY and other prominent members of the Senate, a resolution was *unanimously* passed, declaring the inexpediency of any further legislation in regard to the state of affairs between France and the United States. At the next session, Mr. CLAY being again at the head of the Committee on Foreign relations, the consideration of the subject was renewed. The French government had been justly offended at the in-

sulting tone of the President's Proclamation, and had placed itself immediately in an attitude of self-defence. The Report of Mr. CLAY, and the action of the Senate upon it, had however, induced a more favorable disposition, and through the mediation of Great Britain, our difficulties with France were settled without delay, on terms honorable alike to both.

During the remainder of General JACKSON's administration the labors of Mr. CLAY in the Senate, were arduous and unremitting. Without attempting even to indicate all the questions of national policy which were discussed, we may say, generally, that he evinced a firm and undaunted opposition to the spirit in which the government was administered, as well as to the various specific plans which were brought forward and supported by the Executive party in Congress. An intent was shown by the President and his actual, though not always his constitutional advisers, to strengthen their party by whatever means, and to lay a secure foundation for the perpetuity of their power. The finances of the country, a skilful use of the many millions which were annually collected and disbursed for the service of the government, and the Banking system, seemed to be the readiest and most effective instruments for their purposes. Their first effort therefore was, as we have seen, to obtain control of the United States Bank with all its Branches, with an intent to use the great power thus placed in their hands for the advancement of their party interests. Foiled in this, they speedily formed the plan to crush the Bank, and to build upon its ruins a great government institution, in which the whole control of the finances of the country should rest with the Executive. This far reaching intent was afterwards distinctly avowed by THOMAS H. BENTON, as will be seen hereafter.

Though this was the leading feature of the great scheme by which these men sought to establish their power and to control the popular will ; other plans were devised, each more or less potent in its own sphere, and all tending to the same single object. The fact that the Executive was controlled by advisers in no way connected with his administration, that a power 'behind the throne' was permitted to acquire more power than the throne itself, that the counsel of the President's cabinet, his constitutional advisers, was often rejected for that of persons unknown to the constitution, was in itself an alarming fact—evincing the existence and power of a class of men banded together for the support of their party, regardless of the wants and interests of the country. That such a *clique* of conspirators did exist, and that their influence with the President often outweighed and destroyed that of the men whom he had called to his support, is now established by the most undoubted evidence. The distribution of the executive patronage, with lavish expenditures of the public money ; the organization of a pensioned press, reaching into every part of the Union, and carrying with it an influence that could not be 'seen or fairly met, but which would make itself deeply felt in its ultimate influence over public opinion : the recognition in Congress and the public mind, of the principle, expressly disavowed by the constitution, but proclaimed by General JACKSON, that the executive was to be considered a coordinate branch of the Legislature ; these and kindred measures formed part of the plan by which the purposes of this unprincipled faction were to be secured. That they failed of final success, is to be attributed to no lack of boldness or ability on the part of those who devised them ; but solely to the untiring and strenuous efforts of those who at an early day saw their tendency, and to the

aroused patriotism and the enlightened judgement of the people. Foremost among those who clearly demonstrated, and most eloquently denounced the aim of the Administration, Mr. CLAY was always found. He predicted the commercial distress which must ensue, and the still more fatal political and personal depravity which would inevitably follow the exertions of the administration. Party service becoming the only passport to executive favor, chicanery and corruption would soon assume the garb, and receive the fee, of political virtue: public station would be sought solely for the means of personal emolument it was found to afford; and a general relaxation of all right principle and moral restraint would soon pervade the State, and, through its influence upon personal character, pave the way for any iniquitous scheme of aggrandisement reckless ambition might devise. How perfectly all this has been accomplished, the slightest survey of the present state of the country will clearly show. How clearly it was foretold, and how earnestly it was deprecated by Mr. CLAY and the other members of the great Whig party, the recollection of every one will readily declare. The session of 1836-7 was fruitful in eloquent debate upon these topics of national interest. Several measures of public policy were also discussed, but none of any great importance became laws. Mr. CLAY again called up his Land Bill: but, as the administration now had a majority in the Senate, its success was not expected, though fortunately the bill of Mr. Cass, for the virtual surrender of all the public domain to the States in which they lay, encountered a similar fate. The discussion of the propriety of recognizing the independence of Texas; incidental debates on the tariff policy; the consideration of the subject of abolition and of the right of petition; the debate on the Expunging resolution, introduced by

THOMAS H. BENTON, and providing for the erasure from the journal of the Senate of the resolutions censuring President JACKSON for his arbitrary removal of the deposits ; and many other topics of minor importance, in the discussion of which Mr. CLAY bore an efficient and distinguished part, engaged the attention of Congress until the close of its session.

In the autumn of 1836, occurred the Presidential Election, at which Hon. MARTIN VAN BUREN was elected by 170 of the 294 electoral votes. He entered upon the discharge of his duties on the 4th of March 1837.

The condition of the country at that time is now well known and its causes are clearly understood. The removal of the deposits, it will be recollected, were ordered in October 1833, and a basis of ten millions for discounts was thus withdrawn from the vaults of the Bank of the United States. The immediate result of this daring step was a general prostration of business. The demand for money to meet home engagements was such, that Exchange on England fell to the nominal par, which is not far from nine per cent. below the real value. The funds of the government were removed to the State Banks, selected by an Executive agent. These Banks were then stimulated to large issues by a circular from the Treasury Department, urging them liberally to extend their discounts to the public, though they were for some time kept in check by the action of the United States Bank, notwithstanding its crippled condition. Presently, however, as an initial step towards winding up its affairs, the Bank commenced disposing of its branches by transferring their assets to the State Banks—whose obligations they received in return. These local institutions, in proportion, expanded their



issues, and upon the termination of the existence of the National Bank, they broke loose from all restraint, and flooded the land with their notes. New banks were multiplied, founded in a great measure upon fictitious capital; and the abundance of money thus created engendered a spirit of wild speculation, far more intense and reckless than was ever before known. To form some notion of its extent, a bare reference to the sales of the Public Lands is necessary. Previous to 1835 the annual proceeds of these sales had never reached \$4,000,000. In that year they amounted to \$11,000,000, and in 1836, to the enormous sum of \$24,000,000. This was paid for, in a great degree, in the "better currency" of the day, which Gen. JACKSON had so successfully labored to create. But, immediately after the rising of Congress, in 1836, a treasury order was issued requiring *specie*, in all cases, to be paid for the public lands. This order had only a few months before been deliberately rejected by the unanimous vote of the Senate, and was rescinded at the ensuing session, by a resolution introduced by Mr. EWING and most zealously supported by Mr. CLAY; but the President, to prevent its becoming a law, retained it in his possession until after the adjournment of Congress. This order had the effect to withdraw their specie from the vaults of the seaboard banks, and, in the language of Gen. JACKSON, "to convey into the interior large sums of silver and gold." This of course greatly embarrassed and crippled the eastern banks, and their difficulties were still farther increased by the demands upon their vaults for specie to pay, in Europe, the largely increased debt, incurred by the excess of our imports over our exports, consequent upon the destruction of the United States Bank and the extension of the speculating mania to our foreign commerce. It is worth while to note how exactly our foreign

trade has gone hand in hand with the existence of a National Bank, with power to control exchanges and to prevent over issues by the State institutions. During the nineteen commercial years, from 1781 to 1810, when we had a National Bank, the excess of our imports over our exports amounted, in the aggregate, to 282,000,000 of dollars, or about \$15,000,000 annually : and deducting from this the profits of our carrying trade, which of course are to be added to our exports, \$10,000,000 would, without doubt, fairly represent the nett excess, which the freight on our exports would easily pay. From 1810 to 1816, the six years between the expiration of the charter of the old bank and the commencement of the new, the excess of our imports over our exports amounted to \$159,000,000, or \$26,500,000 annually—more than twice the former amount. From 1816 to 1835, were nineteen commercial years when we again had a National Bank : and the aggregate excess is found to be \$199,000,000, or \$10,500,000 annually—a sum fully met by freights and profits on outward cargoes. Thus up to the close of 1835, about four months before the expiration of the charter of the Bank, our foreign trade was kept within reasonable limits. The returns, made by the Secretary of the Treasury, show that for the year ending the 30th September, 1836, the first year after the destruction of the Bank, the excess of the imports over the exports of the country amounted to the enormous sum of \$61,316,995. Now deducting from this amount all the profits on our exports, and all paid by States and corporations for Railroad iron, &c., at least \$15,000,000 must have remained to be remitted to Europe in specie ; and this amount, in addition to that demanded for the purchase of western lands, the Atlantic banks were required to furnish.

Still another cause operated to effect the prostration of the Banks. In May, 1836, in accordance with a recommendation of Gen. JACKSON made as early as 1829, Congress passed a law for the apportionment among the States of all the revenue exceeding five millions of dollars : the sum to be distributed on the 1st of January, 1837, was \$37,468,859, and this was of course nearly all deposited with the banks. The aggregate amount of specie in the vaults of all the eighty-six deposite banks amounted, on the 15th of June, 1837, to only \$10,601,936—not one-third the amount of the surplus to be divided. This of course placed these institutions at the Executive mercy. By a proper arrangement, no injury would have ensued to the business of the country ; but the course adopted was one which could only result in ruin. The quarterly payment to the States exceeded \$9,000,000 ; and this was liable to be drawn in specie. Of course, in order to be prepared for the worst, a curtailment of discounts to more than three times this amount commenced : and, in consequence of these three circumstances, the promulgation of the Specie Circular, the demand of coin for the adjustment of the balance of trade which was so heavily against us, and the mode adopted in the division of the surplus revenue, the banks throughout the country, after a sacrifice of thousands of individuals, were obliged to suspend. Money of course became scarce ; business men were unable to meet their liabilities ; bankruptcy and hopeless ruin followed ; 20 to 25 per cent. was the common rate of interest. On the 7th and 8th of March eleven houses in New Orleans failed for an aggregate of \$27,000,000 ; the value of real estate in New York city, within six months, fell \$40,000,000, and within two months there had been 220 failures in trade and a decline of \$20,000,000 in local stocks ; and the condition of the whole

country was fairly represented in the two instances at its extreme points which we have cited.

Such was the state of the country when Mr. VAN BUREN entered upon the discharge of the Presidential duties, in the spring of 1837. The intensity of the commercial distress impelled him to instant action; and on the 15th of May he issued his proclamation, convening Congress in extra session on the 1st of September. The greatest anxiety pervaded the country as to the specific measures of relief the President would suggest. He had a decided majority in the House, and, it was supposed, could safely rely upon their support. At the opening of the session, Hon. JAMES K. POLK, an active and prominent supporter of the administration, was elected Speaker of the House, receiving 116 of the 224 votes cast. The message of the President recommended the adoption of what is familiarly known as the SUB-TREASURY SYSTEM for the collection, safe-keeping and disbursement of the public moneys. Its prominent features were these: 1. Four persons were to be appointed Receivers general, by the President and Senate, to collect and keep the public money at New York, Boston, St. Louis and Charleston, who were prohibited from using or loaning the government funds and were under the directions of the treasury department: 2. The President, through the Secretary of the Treasury, was authorized to require such bonds of the receivers and their subordinates, who were all the executive officers throughout the Union, as he might think fit, and to renew or increase them at pleasure: 3. The Secretary of the Treasury was empowered to transfer the money from any one point of the country to any other, as the public service should seem to require; and to draw upon any of the depositories as he might think neces-

sary: 4. The public revenues were to be collected after June 30, 1840, one-fourth in specie; one-half after June 30, 1841; three-fourths after 1842, and after June, 1843, all public dues, of whatever kind, were to be paid in gold and silver only. These were the principal provisions of this important bill. Its introduction to Congress was instantly followed by a threatened secession of a portion of the party—manifested by the election of THOMAS ALLEN, known to be opposed to this scheme, as Printer to the House. Mr. CALHOUN, who, up to this time had been among the most violent enemies of the administration party, suddenly became an advocate of the Sub-Treasury plan and acted afterwards with its friends. In the Senate the bill was taken up on the 20th of September, and on the 25th Mr. CLAY delivered a strong and convincing speech against it. It was discussed, both in the halls of Congress and in the public prints, with unwonted zeal and ability, and passed its third reading on the 4th of October, by a vote of 25 to 20. In the House, on the 10th, after a long and violent struggle, it was laid on the table, by a vote of 120 to 107. Thus was this leading measure of Mr. VAN BUREN's administration defeated at the outset, even when it was supposed he had an obedient majority in Congress. The causes of this are mainly to be found in the act itself. By the first provision we have mentioned, the moneys of the government were to be entirely withdrawn from circulation, to be locked up in treasury vaults and thus not allowed to aid, even incidentally, the business of the country. This was evidently an injury, to the extent of its operation, to all the great commercial interests and to the general prosperity of the people. The second provision placed all the receivers of the public money, and of course the money itself, at the entire disposal of the President—thus increasing the executive power to a

dangerous extent. The third gave to the President, through his Secretary of the Treasury, complete command over the exchanges of the country : the whole banking system of the United States was thus placed completely under his control—even more effectually than it would have been had the first attempt, in 1829, to obtain supremacy over the United States Bank and its branches, been successful. The purposes to which this immense power might be directed, are too evident to need indication. The fourth provision sought to establish one currency for the government and to leave to the people another, which the very discrimination showed to be inferior and less safe. The operation of this clause was also acknowledged to be, to reduce the price of labor throughout the country, by a contraction of the circulating medium : and the policy of thus placing the labor of this nation more nearly on a level with that of the old countries of Europe, was distinctly and directly advocated by CALHOUN, BUCHANAN, WALKER, WRIGHT, and in fact by all the leading supporters of the administration.

For these reasons the sub-treasury bill found favor neither with Congress nor with the people. It was regarded by many considerate and sound men, as only one branch, a single link—though a most important one—in the great design of obtaining complete control over the government of the Union, and thus of ruling its destinies as party supremacy and personal ambition might require. Nor was this conjecture without foundation : for it was distinctly avowed by prominent friends of VAN BUREN that the war upon the National Bank was commenced, not for the reasons assigned by the executive message, but as the initial step towards the establishment of this government scheme ; and that the explosion of

the State Banks was counted upon, and beheld with pleasure, as an important step towards this consummation. The importance of this subject will justify the citation of a single passage in support of this opinion, although many might be presented. We think the obvious meaning of the following avowal from a speech made by Mr. BENTON, in the Senate, on the 13th of January, 1840, cannot be mistaken :

“ If any one asks when it was that I began to labor for the establishment of an Independent Treasury, I answer that I began this labor, on the day in which I began my labors to terminate the existence of the Bank of the United States. That Bank was in the possession of the two precise privileges which would constitute the new system,—the privilege of paying the public dues in her own notes, and the privilege of keeping the public moneys. Now it is evident there could be no Independent Treasury until these bank privileges were abolished ; and to abolish them the Bank itself must be brought to a close. It was necessary to get rid of that institution before we could begin to erect the Independent Treasury. Demolition was to precede erection : and for seven long years I labored at the preliminary work. Those who defended the Bank during that time, fought seven years against the Independent Treasury system. Those who attacked the Bank fought for the system. True, the transit was not direct from the one to the other. There was a half-way house between them, as indispensable to be stopped at and tarried in a while, in going from a National Bank, as in returning to one. This half-way house, as every one understands, was the State Bank deposite system. We stopped in it three years, from 1834 to 1837, when it blew up and we escaped. Congress aided to blow it up by the State Deposite

act of 1837, which called for thirty-six millions of dollars, which ~~we knew~~ this half-way house had let out and could not return within the prescribed time, without ruin to itself or its debtors. It blew up and we left it : and the democratic party then took the decisive ground of going the whole distance and erecting the Independent Treasury."

It now seems very evident, from the subsequent avowals of the leaders of the JACKSON party, that the warfare against the United States Bank was not commenced from a desire to purge it from its abuses and corruptions, if such existed : but with the deliberate, well-formed intention of first ruining this institution and then preparing the public mind, by the State Bank deposit system, the specie circular, and the mode adopted in the distribution of the surplus revenue, (which were known at the time they were made to be ruinous to the interests of the country,) for any measure of apparent relief the administration might devise. Even at the time the Independent Treasury system was laid before Congress at its extra session, its tendencies and purposes were so distinctly seen by clear-sighted politicians, that a large body of the party which had supported Gen. JACKSON withdrew themselves from the administration and arrayed themselves against this, its initial measure, under the name of "Conservatives." The Independent Treasury system became the leading feature of the VAN BUREN party, which thus lost entirely the support of the Conservatives. During the early part of the extra session petitions from all parts of the United States poured in upon Congress, for the re-charter of a National Bank, as the only adequate remedy for the commercial distress and embarrassment which then prevailed and which held all the industry of the people beneath a mountain weight



which all their enterprise could not throw off. Being referred in the Senate to the Committee on Finance, Mr. WRIGHT, of New York, its Chairman, reported a resolution that the prayer of the petitioners ought not to be granted. Mr. CLAY moved, in amendment, that "it would be expedient to establish a Bank of the United States whenever it shall be manifest that a clear majority of the people of the United States desire such an institution." This amendment, safe and republican as it is, was lost, and Mr. WRIGHT's adopted in its stead.

Congress adjourned on the 16th of October, and convened in regular session in December. The sub-treasury scheme was again urged in the President's message, and formed the main subject of discussion at that session. Mr. CLAY took occasion in several most able speeches to discuss, fully and fearlessly, the character of the administration and the tendency of the doctrines which Gen. JACKSON had first laid down as his elementary political economy, and which Mr. VAN BUREN had pledged himself to seek to establish. The question of the currency had now become the chief topic of discussion and of interest in the general politics of the nation; and Mr. CLAY, with all his wonted frankness, clearly expressed his partiality for a National Bank, and the general features of such an one as he would wish established. He wished: 1. That the capital should be \$50,000,000, its stock to be divided between the General and State governments and individual subscribers: 2. The organization of the bank to exclude foreigners from holding any portion of its stock and to regard both public and private interests: 3. To set apart a portion of the capital, sufficient to pay promptly and in any contingency, all such paper as the bank might issue.

4. Perfect publicity as to all its concerns : 5 A limitation of its dividends to a certain per cent. : 6. A prospective reduction of the rate of interest to six, and if practicable, to five per cent. : 7. A restriction upon the premium demanded upon post-notes and checks to something like one and a half per cent. between the most remote points of the Union—thus regulating domestic exchanges : 8. Effective provisions against the interference of the Executive with the Bank and of the Bank with the elections of the country. Of a Bank conformed to these principles Mr. CLAY has often declared himself the advocate.

During the suspension of the banks in 1837, the foreign debt of the country was materially diminished, by shipments of produce to Europe for its payment. The principal Banks of New York hired abroad, for a short time, a large amount of specie, and in the spring of 1838 declared their readiness to resume specie payments. The Pennsylvania Banks were afraid to follow, though they reluctantly acceded to the proposal. At the expiration of the charter of the National Bank, a charter had been obtained from the State of Pennsylvania and the Bank had gone on in its operations, though with no other privileges than other State Banks, and with no resemblance to the former Bank of the United States, except in its name. The assets of the National Bank—mostly due from the south-western States—were transferred to this new institution, which also assumed all her liabilities. There being but little capital in the south-west after the National Bank closed its branches, the new Bank in her own defence made large advances on cotton, which was shipped to Europe, with the understanding that the balance, after payment of freight and charges, should be applied to the payment of the old debts

transferred from the National Bank. It was thought by the Pennsylvania Banks that resumption should be postponed until another crop of cotton could be shipped and the balance still due to Europe thus canceled: for, on these sales the United States Bank of Pennsylvania, a large part of her funds being loaned in sections where it could not be collected but by the ruin of whole communities, mainly depended. They were overruled, however, and a resumption was effected,—based on coin hired for a limited period in Europe. The impulse thus given to trade, added to the decrease of duties, again swelled our imports—which in that year, 1839, reached an aggregate of \$157,608,560—exceeding our exports by the large sum of \$39,250,556. This was to be paid in specie; and, of course, another drain upon the banks was caused. Here was one source of embarrassment to the banks, arising from a premature resumption. But a still more potent cause of distress was the action of the Bank of England—rendered necessary by the political relations of the British empire and a failure of the corn crops, which came in some £5,000,000 short—every dollar of which was to be paid in specie to foreign nations. Then came the troubles with China. Up to that time the teas and other Chinese products required by England, had been paid for by an illicit trade in opium, which, through bribery of the revenue officers at Canton and in various other ways, had long been exchanged by British traders for teas—although its introduction was expressly interdicted by the Emperor. The Chinese authorities had at length seized and destroyed an amount of this poisonous and contraband drug, in the hands of British subjects, to the value of some \$15,000,000; and this amount was now to be shipped to China. Menaced by these demands, the Bank of England was forced to curtail her circulation, and increase

her rate of interest—with the twofold object of enabling British manufacturers, by a fall in the price of the raw material, to extend their competition abroad, and to counteract the tendency of specie to flow to the United States—caused by the high interest paid on our State and other securities. This caused a fall of American products in British markets, in the aggregate of probably not less than \$20,000,000 ; and the cotton of the Pennsylvania Bank of course suffered heavy depreciation. British goods at low prices likewise flooded our markets, to be paid for in specie, and added to the general embarrassment. Thus surrounded on every side, her resources cut off and her credit destroyed, the United States Bank fell beneath the pressure, and her fall drew in its train a general suspension of all the Middle, Western, and Southern States, with a derangement in business still greater than that of 1837.

This embarrassment in the financial affairs of the country gave the administration occasion for repeatedly urging the Independent Treasury system upon Congress. It was debated with great ability and with unwearied address by the opposition until July, 1840 : on the 1st day of that month it passed its final reading in the House by a vote of 124 to 107. The bill had already passed the Senate, and on the 4th of July received the signature of the President and became a law.

The protracted embarrassments of the country, which were so easily traced to the administration, had aroused universal attention to political affairs. The objectionable features of the Independent Treasury system, which had just been adopted, were very generally seen, and the whole character of the

government, its thriftless extravagance, its utter failure to devise any relief for the distress which weighed down every department of industry, and the manifest corruption which actuated much of its policy, awakened a feeling of determined resistance. For twelve years the same leading principles had guided the legislation of the country, and our national experience during that time had certainly not tended to establish them very firmly in the affections of the people. The next Presidential election, therefore, was regarded as one of extreme importance: and the opposition made preparation for a warm and fierce struggle. The first point to be decided was the choice of their candidate for the Presidency: and, as different sections of the country seemed to have preferences for different men, a National Convention of representatives was called. They met at Harrisburg Penn. on the 4th of December, 1839. The members had been chosen with scrupulous reference to their soundness of judgment and their political experience. They went unpledged, except to give their votes to the man upon whom the greatest portion of the people, in their opinion, could unite. In the ranks of the opposition were several men of high worth and deserved reputation, though it was universally conceded that Mr. CLAY was by far the best qualified for that high office. But this was not the only, nor in the existing circumstances of the case, the chief question to be considered. The great aim, at that time and in the critical condition of the country which then existed, was to secure the administration of the government to the Whig party—and thus to provide for carrying into practical effect their long cherished and vitally important principles. They were thus forced to seek for a candidate who would encounter the least prejudice and concentrate most perfectly the entire strength of the opposition. In

the discharge of this duty men of discretion, of clear foresight, and of wide and accurate political information were required; and of such was the Convention mainly composed. Hon. JAMES BARBOUR, of Virginia, was elected President, and a plan for the transaction of business was adopted which would allow the most full and free interchange of opinion, and which should conduce to the most expedient result. The political complexion of the whole Union was strictly scanned and the personal partialities of each district were carefully ascertained and duly weighed. All their deliberations were characterized by the most remarkable harmony and good feeling and by a profound desire to save their country from the continuation of the existing administration, which subdued all party and personal feeling, and made the Convention one of the most solemn interest. The result was the nomination of General HARRISON, contrary to the expectations of the country and to the bitter disappointment of thousands. The nomination was received by the friends of Mr. CLAY in the Convention with the most cordial approval—though their hearts were sorely wounded at the unlooked for result. Some were affected even to tears: but not a voice was raised in opposition to the action of the Convention or in question of the purity of the motives of those who had given this direction to it. A letter was read, which Mr. CLAY had written previous to the meeting of the Convention, urging his friends there to throw to the winds all feelings of personal regard for him, and to agree upon that citizen whose nomination would tend most surely to the rescue of the country from the perils by which it was surrounded. “Should the deliberations of the Convention,” said he, “lead them to the choice of another as the candidate of the opposition, far from feeling any discontent, the nomination will have my best wishes and receive

my cordial support." The reading of this letter aroused all the love and admiration of that assemblage of distinguished men. The loftiest eulogiums were pronounced upon the name and public services of Mr. CLAY. BENJAMIN WATKINS LEIGH, while he declared that no man was so transcendently qualified for the highest office in the gift of the people as Mr. CLAY, acknowledged that the office could confer no dignity or honor upon him. "The measure of his fame," said he, "is now full, and ripens for posterity: and whenever the tomb shall close over him, it will cover the loftiest intellect and the noblest heart this age has ever produced or known:"—and the venerable PETER R. LIVINGSTON, with simple but thrilling eloquence exclaimed, "I envy Kentucky: for when he dies she will have his ashes!" The most profound emotion was felt throughout the Convention. All the friends of Mr. CLAY were affected by his failure to receive the nomination as by a poignant personal grief: but the high-minded, generous letter which had just been read, urging entire unanimity and concert of action, and so, nobly laying aside all personal considerations, while it increased their love and esteem for its distinguished author and their sorrow at his defeat, hushed into perfect acquiescence every feeling of complaint or opposition to the decision of the Convention. The nomination of Gen. HARRISON was made with entire unanimity, and JOHN TYLER, who had been for some years a United States Senator from Virginia, and a most ardent and devoted friend of Mr. CLAY, was selected as the candidate for Vice President.

The action of the Convention was received by the great Whig party throughout the Union with disappointment and sadness, bordering upon anger. The eyes of the nation were

turned upon Mr. CLAY; and, though Gen. HARRISON was known as an upright statesman, and as one in every way worthy the supreme confidence of the country, it required all the high reliance of the Whigs on the prudence, foresight and patriotism of the members of the nominating Convention, to repress their grief and murmured discontent. But the deep feeling of unselfish regard for the good of the country and the profound sense of the dangers to which it was exposed from the schemes of the dominant party, which were so manifest at the Harrisburg Assembly, were soon communicated to the Whigs throughout the Union. A national Convention of Young Men to respond to the nomination was soon after called at Baltimore: it was attended by delegates from every part of the United States, and by citizens who felt a deep interest in the questions at issue, to the number of fifteen or twenty thousand; and its proceedings were characterized by a profound, heart-rousing enthusiasm then almost unknown in political assemblies. From the date of this Convention, a feeling of high confidence and of resolute determination pervaded the Whigs, and urged them to exertions in behalf of their principles and candidates, well-nigh unexampled in party contests. Town, County, and State Conventions were held almost daily until the time of election.

- The most abstruse questions of national policy were discussed before the people, by the ablest and most eminent politicians in the country: investigation was made into every department of the administration: abuses and corruptions, in all branches of the government, were exposed and denounced, in speeches, political pamphlets, and by the periodical press throughout the Union: and an enthusiasm was aroused, pervading the whole length and breadth of the land, and stimulating every class of her citizens, never before equalled but



by a national uprising to repel the military invasion of a foreign foe. As in the memorable Peasants' War of Germany, the revolt of the "Beggars" of Sweden, the French Revolution, the demonstrations of the Chartists in England, and all great contests in which the masses of the people have risen up in determined hostility to their rulers—the feelings which animated the opposition found vent in emblems, banners, mottoes, songs, and cavalcades, which addressed the eyes and passions of the multitude, as well as in speeches and political pamphlets, in which the appeal was more directly to their judgment and interests. Men who before had taken but slight concern in the strife of political parties, and who had carefully shunned its turmoil—old men, who would far more cheerfully yield to brief oppression, than vex with unquiet din their peaceful and declining years—found themselves struggling, side by side with the youthful and aspiring, for the triumph of those principles to which both were devoted, and in the disregard of which they saw danger and portended ruin to the land. Conventions, numbering from ten to forty thousand persons, were of frequent occurrence: some of the ablest political essays ever written in the country were printed and scattered throughout the whole Union; and men who before had scarcely thought seriously of political principles, sat down to a close examination, in the light of reason and experience, of the most intricate yet vitally important questions of the currency, banking, and general political economy. Among the eminent statesmen who took an active part in the campaign, Mr. CLAY was prominent. He entered into the canvass with the utmost ardor, and labored zealously and with proud success to secure the triumph of the principles which had ruled all his public life. The limitation of the President to a single term of office; the

restriction of the Veto power; the decrease of the power of the Executive over the Treasury, and the limitation of the power of dismissal from office, were the leading general reforms he desired to be adopted. The establishment of a sound and uniform currency; the distribution of the public lands for the benefit of all the States; the Protection of American Industry; more strict economy in the expenditures of government, and the establishment of a higher standard of political morality, were the specific measures to which he gave his most ardent support. The result of a political contest conducted on such principles and with such enthusiasm, could scarcely be doubted. General HARRISON was elected to the Presidency by receiving 234 out of the 294 electoral votes that were cast: and by the same vote JOHN TYLER, whose election had been urged upon the same great political principles held by General HARRISON, and by the Whig party to whom both looked for support, was elected to the second office in the gift of the people.

The labors of Mr. CLAY in Congress during the session of 1839-40 were as arduous and efficient as at any previous time. The questions discussed were chiefly those which had frequently before been presented to Congress, and upon which his opinions had often been declared. It is therefore unnecessary for us here to trace, in any detailed form, the various occasions upon which his former sentiments were repeated and urged with all his accustomed energy and eloquence. The Land Bill was again brought up, and a spirited debate arose between Mr. CLAY and Mr. CALHOUN. The expenditures of the government; the appropriation bill; the subject of abolition; the system of internal improvements, and other topics of national interest, came before the Senate

and were discussed with frankness and high ability by Mr. CLAY. The Independent Treasury, at this session, also, encountered, as it had done at all its previous stages, his most unrelenting hostility. His views of its dangerous tendency and of the evil it would inevitably bring upon this country are found expressed at length, and sustained by the clearest reasoning, in the various speeches which he pronounced upon it. The only bill before Congress which involved new principles, and upon which Mr. CLAY's opinions had not often before been declared, was that for the establishment of a uniform system of Bankruptcy, rendered absolutely necessary for the relief of the thousands of enterprising business men who had been ruined by the speculations into which they had been seduced by the legislation of the past twelve years. The bill was reported by the Judiciary Committee of the Senate, in the spring of 1840, in consequence of the numerous petitions which were presented in its favor. It was opposed, strenuously, by all the leading members of the administration, and was defeated in the House at that session; although it had been carried in the Senate, by the powerful advocacy of Mr. CLAY, Mr. WEBSTER, and other able Senators of the opposition, by a vote of 24 to 23. At a subsequent session, however, it passed both Houses and became a law. Immediately after the election of 1840 Mr. CLAY embraced the earliest opportunity to introduce a bill to repeal the Independent Treasury law, and thus to commence the work of establishing those great principles upon which he had acted all his life, and which were now sanctioned by an overwhelming majority of the people. It was not of course acted upon at this session.

Congress adjourned on the 3d of March, and on the 4th

General HARRISON was inaugurated President of the United States. His election had been hailed by the Whigs of the Union as the consummation of their most ardent hopes, and strong confidence was entertained that the administration of the government would be brought back to the purity and sound principles by which it had been marked up to the time of the election of Gen JACKSON. A most able Cabinet was summoned to aid the President in the discharge of his most arduous and responsible duties, and by their advice, a proclamation was issued on the 18th of March, convening Congress in extra session on the last Monday in May.

On the 4th of April General HARRISON died ; and the news of his decease fell upon the country with appalling weight. The Presidential chair had never before been thus vacated, but strong confidence was felt that the constitutional provision for such an emergency would carry the country safely through the crisis which, to governments based upon different principles from ours, so often proves the source of commotion and civil war. Mr. TYLER of course succeeded to the Presidency ; and, as he was believed to be an ardent and upright supporter of the leading measures of the great party which had placed him in power, and as he retained the constitutional advisers by whom President HARRISON had surrounded himself, the popular party felt that their principles were reasonably safe in his hands, and that, although they had lost that great moral strength which General HARRISON brought to the administration, the prominent political measures, to which he was known to be attached, would yet be carried into full and immediate effect. Congress met in extra session on the last Monday in May, 1841, and the message of the acting President contained nothing that could reasonably excite distrust.

A bill repealing the Independent Treasury law soon passed both Houses, and was allowed to become a law by the executive. The next step in the returning path was to procure the incorporation of a United States Bank, which should regulate exchanges and control the currency. A plan for such an institution as was deemed necessary was reported in the Senate by Mr. CLAY, he having been appointed chairman of the Finance Committee. It passed both Houses, but was returned, to the surprise and alarm of the administration party, with the objections of the Executive. Mr. TYLER averred that he could not conscientiously sign a bill which proposed to give the Bank the power of discount—as such a power was liable to abuse, and he did not deem it constitutional. The veto message was received with sorrow in the Senate, and was discussed by Mr. CLAY in a strain of lofty eloquence seldom equaled even by himself. Another bill was then framed, with strict reference to the opinions of Mr. TYLER, in close accordance with his suggestions, and intended to obviate all his scruples, as expressed both in his public message and in private conference. This, after considerable discussion, also passed both Houses and was sent to the acting President for his signature. As it was, in point of fact, his own bill—framed according to his dictation—his approval was confidently expected. But evil counsellors, “unknown to the Constitution,” had been at work, and had infused into his mind jealousies and apprehensions which made the whole matter one of passion to himself, in which considerations of the country’s good and of his own plighted faith were allowed no weight. He refused to sign the bill. This message was received in Congress with indignant eloquence. Mr. CLAY had no hesitation in denouncing the exercise of the Veto power in this case, as he had done in that of Gen. JACKSON,

as an unwarrantable extension of executive power, and as hostile to the liberties and prosperity of the nation. The members of the Cabinet, with the solitary exception of Mr. WEBSTER, resigned their places, and a deep feeling of indignation was manifest throughout the country.

The subsequent events are of so recent occurrence as to preclude the propriety of detailed exposition. A Land Bill, framed in strict accordance with the principles of Mr. CLAY, and urged by his eloquent support, passed both Houses and became a law. According to its provisions, however, distribution was to cease whenever the average rate of duties on imports should exceed 20 per cent. The Bankrupt bill was matured and passed, and a revision of the Tariff, rendered necessary by the expiration of the Compromise Act, was undertaken. Notwithstanding the extreme embarrassment in which the subject was involved, a provisional bill was finally agreed upon, to meet the pressing exigency of the occasion, suspending the operation of the Distribution Bill for one month, in consequence of a lack of funds in the Treasury, and a desire, on the part of Congress, to give the subject a more mature consideration, before erecting a permanent Tariff. This bill also encountered the executive veto : and with it perished all hope of united, efficient action in carrying out those great principles which before had been cherished by Mr. TYLER, in common with the Whigs.

On the 31st of March, 1842, in pursuance of a design he had long before entertained, Mr. CLAY resigned his seat in the Senate of the United States. Considerations of public duty had alone prevented him from doing this before : and in retiring at that time from the noble theatre in which he had

won such lofty fame and acted so proud a part, to the quiet shades of private life, he merely followed an intention which he had long and anxiously cherished. The scene which attended his resignation was one of deep interest. The Senate Chamber was densely filled: all present—those Senators who had always been his warm and steady friends, and those with whom he had rarely or never acted—manifested the profoundest regard for his character and high abilities, and expressed the sincerest regret at his withdrawal from their midst. The address in which he bade them farewell, is marked by all the generous frankness and the deep feeling which are prominent traits of his personal character. Since his retirement to his home at Ashland, he has frequently met his fellow-citizens at public festivals given in his honor, and has always frankly avowed his political opinions and spread before them the leading principles by which his whole public career has been guided. More enthusiastic receptions have recently been accorded to him at Lexington, in Kentucky, at Dayton, Ohio, and other places, than have often been granted to the most renowned men of the earth; and the demonstrations of popular favor have been most marked and universal. By conventions in several of the States of the Union he has been nominated as the candidate of the great party with which he has always acted, for the Presidency in 1844. He receives these public honors with dignity and gratitude—never shrinking from a declaration of all his principles, and courting the most rigid investigation into all the various actions of his extended public life. In the peaceful retirement of a happy home, he finds a welcome refuge from the cares and weighty responsibilities which have rested upon him for more than forty years of service to his country, offered in integrity, and discharged with an ability equaled by that of few statesmen in any age.

We have thus recorded the prominent public services of HENRY CLAY, with an historical sketch of his country, just sufficient to render them intelligible. His personal biography has been left untouched : but it will readily be seen that those noble qualities of mind and heart which have made so glorious his public life, must have invested his domestic relations with the highest charms. He bears about him that surest mark of greatness, the power of being "great in little things:" of lending to the most common incidents of life a dignity which stamps them with the heroism of his personal character. In public life, he is the greatest statesman of his age. His eloquence, with which the nation is most familiar, is in fact one of the slightest elements of his fame : in a deeper source than this, resistless as it is, must be sought the secret of that power which has rested the nation upon his arm and interwoven his principles with the very framework of her policy. All the impulses of his heart—the instincts of his nature—are those of a statesman. No crisis, however sudden or fearful, surprises or disarms him. In the most perilous emergencies, when upon the counsel or decision of an hour hangs the fate of his country for years, his lofty mind moves with the same undaunted strength as in the most trivial concerns. In the beautiful words of WORDSWORTH, we may describe him as one,

" Whose powers shed round him in the common strife,  
Or mild concerns, of ordinary life,  
A constant influence, a peculiar grace ;  
But who, if called upon to face  
Some awful moment, to which heaven has joined  
Great issues, good or bad, for human kind,  
Is happy as a lover—is attired  
With sudden brightness, like a man inspired ;  
And through the heat of conflict keeps the law  
In calmness made, and sees what he foresees "



In all his public life Mr. CLAY has evinced a firm reliance upon great and enduring principles ; and in this, perhaps, may be found one chief secret of his power and foresight. A fundamental truth is always stronger than any man ; and by building faith and firm reliance upon it the man shall receive a portion of its strength, and see, through the mists of the hour, the future to which it leads. The confidence of Mr. CLAY in the leading political principles which have formed the rule of all his long public life, has sprung from a firm faith in their permanent truth, and not from that blind devotion to a rule, merely because it is abstract, which belongs, sometimes, to men who have something of greatness in them, but who lack the essential wisdom to profit by experience. Though firm in maintaining the rights of each portion of the State, he never allows a passionate and blind defence of them to plunge the whole into disaster and ruin. He feels that the principles on which our government is based, have a high worth—not only of themselves, but for the sake of the superstructure of happiness and glory we have erected upon them ; and the safety of this he is not willing to peril in their fruitless defence. He has none of the zeal of that ignorant worshiper who dug beneath the ruins of the Ephesian temple for the fuel on which it rested, to feed the flame upon its altars. Though he has ever proved himself a zealous defender of the rights of man, in all countries and conditions, he never seeks the destruction of established order, regardless of the happiness of those most nearly concerned ; nor even in the assertion of Right would he deem it well to trample, with ruthless violence, upon all the institutions which might stand in his way, and rush headlong to the end, like the cannon ball,

" Shattering that it may reach, and shattering what it reaches."

His democratic principles, therefore, ardent and spontaneous as they are, are tempered by a deep reverence for the permanent reason of the State, and a profound regard for the well-being of his fellows. All his aspirations are to build up, not to tear down—to create, not to destroy. All the safe guards, then, which the sound wisdom of the people, triumphing and establishing a law over that of transient impulse, has thrown about individual rights, he reverences, and, so long as they seem to be needed, seeks to preserve. Like SCHILLER's Wallenstein, while he knows that the flight of destruction is straight and swift, he feels that,

———“the road the human being travels,  
That on which Blessure comes and goes, both follow  
The river's course, the valley's playful windings,  
Curves round the cornfield and the hill of vines,  
Honoring the holy bounds of property.”\*

Mr. CLAY has always been the proud champion of that political party which maintains the true purpose of civil government to be, not merely the prevention of Wrong, but the establishment of Right,—not merely to define and punish offences, but to confer blessings and secure the highest good to those who live beneath its benignant sway. His public life has been consecrated to the development of this great principle; and if his efforts seem not yet to have been attended with full success, they have been oftentimes of saving service to the country; and the eye of Hope sees in them the germ of a power which shall yet work itself free from all crushing calamity, and accomplish the great end for which it was first put forth. He is one of those great men whose influence, even

\* Coleridge's Translation.

when unseen and despised, is potent and controlling. The spirit of his life has wrought even more than his active efforts; and, far more than any other statesman among us, he has thus given strength to those principles of public policy which alone conduct nations to the height of prosperity. The value of his public services can only be worthily set forth when candor shall have made a faithful record of his life and his acts: and just in proportion as that record is incomplete, will this great friend of mankind be defrauded of honor. It were rash and unwise to ask that his own age should rightly esteem and fully reward them. But, as in the old religion the lightning made sacred the object upon which it fell, so even now does Death hallow the victim whom he strikes. Future generations will not lose sight of his worth: those words of wisdom which, uttered by his living voice, fall too unheeded upon our hearts, shall come from his tomb with power as from a holy place: for "such is the power of dispensing blessings, which Providence has attached to the truly great and good, that they cannot even die without advantage to their fellow creatures; for death consecrates their example; and the wisdom, which might have been slighted at the council-table, becomes oracular from the shrine."

# SPEECHES

OF

## HENRY CLAY.

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### ON THE LINE OF THE PERDIDO.

IN THE SENATE OF THE UNITED STATES, DECEMBER 25, 1810.

[THE region known as FLORIDA, though discovered by Sebastian Cabot, an English navigator, was first formally taken possession of by Ponce de Leon, a Spaniard, in behalf of the Spanish crown, and was thence deemed a possession of that crown. A colony of French Protestants, who settled it in 1562, were overpowered and murdered by a Spanish force in 1565, in which year a Spanish colony was planted at St. Augustine. By the Treaty of Ryswick, in 1763, Florida was ceded to England, but restored to Spain by the Treaty of Paris, in 1763. It remained a Spanish possession down to its cession to the United States, for \$5,000,000, in 1819. LOUISIANA, on the other hand—that is, the River Mississippi—was first discovered by the French, in 1682, and a settlement made by them in 1699. It was ceded to Spain in 1763, restored to France in 1800, and purchased of Bonaparte, by the United States, in 1803, for the sum of \$15,000,000. And now a serious question soon arose as to the Boundary between the two Territories—Spain claiming that Florida extended to the Mississippi, embracing all the then wilderness which now forms the States of Alabama and Mississippi; while our Government claimed that Louisiana extended east to the Perdido, a small river running South into the Gulf of Mexico, about 50 miles east of Mobile, 150 east of New-Orleans and 20 west of Pensacola. President MADISON solved the dispute in 1810 by taking possession of Baton Rouge and Mobile, and extending the jurisdiction of the United States to the Perdido. This act was assailed in Congress by the Federal Members, especially by OTTENBENDER HONOR, an eminent Senator from Delaware, who regarded it as an unjustifiable and offensive demonstration against Spain, then putting forth all her energies in resistance to the treacherous usurpation and overwhelming force of Bonaparte. Mr. CLAY replied in defence of Mr. Madison's course in the following Speech, demonstrating that the Perdido was the true boundary between the two Territories, and accordingly it has since remained the western limit of Florida.]

It would have gratified me if some other gentleman had undertaken to reply to the ingenious argument which you have just heard. (Speech of Mr. Horsey.) But not perceiving any one disposed to do so, a sense of duty obliges me, though very unwell, to claim your indulgence, whilst I offer my sentiments on this subject, so interesting to the Union at large, but especially to the Western portion of it. Allow me, sir, to express my admiration at the more than Aristidean justice, which in a question of Territorial title, between the United States and a foreign nation, induces certain gentlemen to espouse the pretensions of the foreign nation. Doubtless, in any future negotiations, she will have too much magnanimity to avail herself of these spontaneous concessions in her favor, made on the floor of the Senate of the United States.

It was to be expected that in a question like the present, gentlemen, even on the same side, would have different views, and although arriving at a common conclusion, would do so by various arguments. And hence the honorable gentleman from Vermont entertains doubt with regard to our title against Spain, whilst he feels entirely satisfied of it against France. Believing, as I do, that our title against both powers is indisputable, under the treaty of St. Ildefonso, between Spain and France, and the treaty between the French Republic and the United States, I shall not inquire into the treachery, by which the king of Spain is alledged to have lost his crown; nor shall I stop to discuss the question involved in the overthrow of the Spanish monarchy, and how far the power of Spain ought to be considered as merged in that of France. I shall leave the honorable gentleman from Delaware to mourn over the fortunes of the fallen Charles. I have no commiseration for princes. My sympathies are reserved for the great mass of mankind, and I own that the people of Spain have them most sincerely.

I will adopt the course suggested by the nature of the subject, and pursued by other gentlemen, of examining into our title to the country lying between the Mississippi and the Rio Perdido, (which, to avoid circumlocution, I will call West Florida, although it is not the whole of it,) and the propriety of the recent measures taken for the occupation of that territory. Our title, then, depends, first, upon the limits of the province, or colony of Louisiana, and secondly, upon a just exposition of the treaties before mentioned.

On this occasion it is only necessary to fix the eastern boundary. In order to ascertain this, it will be proper to take a cursory view of the settlement of the country, because the basis of European title to colonies in America, is prior discovery, or prior occupancy. In 1682, La Salle migrated from Canada, then owned by France, descended the Mississippi, and named the country which it waters, Louisiana. About 1698, D'Iberville discovered by sea the mouth of the Mississippi, established a colony at the Isle Dauphine, or Massacre, which lies at the mouth of the bay of Mobile, and one at the mouth of the river Mobile, and was appointed by France, Governor of the country. In the year 1717, the famous West India Company sent inhabitants to the Isle Dauphine, and found some of those who had been settled there under the auspices of D'Iberville. About the same period, Biloxi, near the Pascagoula, was settled. In 1719, the city of New Orleans was laid off, and the seat of government of Louisiana was established there; and in 1736, the French erected a fort on the Tombigbee. These facts prove that France had the actual possession of the country as far east as the Mobile at least. But the great instrument which ascertains, beyond all doubt, that the country in question is comprehended within the limits of Louisiana, is one of the most authentic and solemn character which the archives of a nation can furnish; I mean the patent granted in 1712 by Louis XIV. to Crozat.

"FONTAINEBLEAU, September 14, 1712.

"Louis, By the grace of God, &c.

"The care we have always had to procure the welfare and advantage of our subjects, having induced us, &c. to seek for all possible opportunities of enlarging and extending the trade of our American colonies, we did, in the year 1683, give our orders to undertake a discovery of the countries and lands which are situated in the northern part of America, between New France and New Mexico; and the Sieur de la Salle, to whom we committed that enterprise, having had success enough to confirm a belief that a communication might be settled from New France to the Gulf of Mexico, by means of large rivers, this obliged us, immediately after the peace of Ryswick, to give orders for establishing a colony there, and maintaining a garrison, which has kept and preserved the possession we had taken in the very year 1683, of the lands, coasts, and islands which are situated in the Gulf of Mexico between Carolina on the east, and Old and New Mexico on the west. But a new war having broke out in Europe shortly after, there was no possibility, till now, of reaping from that Colony the advantages that might have been expected from thence, &c. And whereas, upon the information we have received concerning the disposition and situation of the said countries, known at present by the name of the Province of Louisiana, we are of opinion, that, there may be established therein considerable commerce, &c. we have resolved to grant the commerce of the country of Louisiana to the Sieur Anthony Crozat, &c. For these reasons, &c., we, by these presents, signed by our hand, have appointed and do appoint the said Sieur Crozat, to carry on a trade in all the lands possessed by us, and bounded by New Mexico and by the lands of the English of Carolina, all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphine, heretofore called Massacre; the river of St. Louis, with the river St. Philip, heretofore called the Missouri, and of St. Jerome, heretofore called Osabache, with all the countries, territories, and lakes

within land, and the rivers which fall directly or indirectly into that part of the river St. Louis.

*"The Articles.—1. Our pleasure is, that all the aforesaid lands, countries, streams, rivers, and islands be, and remain comprised under the name of the government of Louisiana, which shall be dependent upon the general government of New France, to which it is subordinate: and further, that all the lands which we possess from the Illinois, be united, &c. to the general government of New France, and become part thereof, &c."*

According to this document, in describing the province, or colony of Louisiana, it is declared to be bounded by Carolina on the east, and Old and New-Mexico on the west. Under this high recorded evidence, it might be insisted that we have a fair claim to East as well as West Florida, against France at least, unless she has by some Convention, or other obligatory act, restricted the eastern limit of the province. It has, indeed, been asserted that by a treaty between France and Spain, concluded in the year 1719, the Perdido was expressly stipulated to be the boundary between their respective provinces of Florida on the east, and Louisiana on the west; but as I have been unable to find any such treaty, I am induced to doubt its existence.

About the same period, to wit: towards the close of the seventeenth century, when France settled the Isle Dauphine and the Mobile, Spain erected a fort at Pensacola. But Spain never pushed her actual settlements or conquests farther west than the bay of Pensacola, whilst those of the French were bounded on the east by the Mobile. Between these two points, a space of about thirteen or fourteen leagues, neither nation had the exclusive possession. The Rio Perdido, forming the bay of the same name, discharges itself into the Gulf of Mexico, between the Mobile and Pensacola, and, being a natural and the most notorious object between them, presented itself as a suitable boundary between the possessions of the two nations. It accordingly appears very early to have been adopted as the boundary by tacit, if not expressed, consent. The ancient historians, therefore, of the country, so represent it. Depratz, one of the most accurate historians of the time, in point of fact and detail, whose work was published as early as 1758, describes the coast as being bounded on the east by the Rio Perdido. In truth, sir, no European nation whatever, except France, ever occupied any portion of West Florida, prior to her cession of it to England in 1763. The gentlemen on the other side do not, indeed, strongly controvert, if they do not expressly admit, that Louisiana, as held by the French

anterior to her cessions of it in 1762, extended to the Perdido. The only observation made by the gentleman from Delaware to the contrary, to wit, that the Island of New Orleans being particularly mentioned, could not, for that reason, constitute a part of Louisiana, is susceptible of a very satisfactory answer. That island was excepted out of the grant to England, and was the only part of the province east of the river that was so excepted. It formed in itself one of the most prominent and important objects of the cession to Spain originally, and was transferred to her with the portion of the province west of the Mississippi. It might with equal propriety be urged that St. Augustine is not in East Florida, because St. Augustine is expressly mentioned by Spain in her cession of that province to England. From this view of the subject, I think it results that the province of Louisiana comprised West Florida previous to the year 1762.

What was done with it at this epoch? By a secret Convention, of the 3d of November of that year, France ceded the country lying west of the Mississippi, and the Island of New Orleans, to Spain; and by a contemporaneous act, the articles preliminary to the definitive treaty of 1763, she transferred West Florida to England. Thus, at the same instant of time, she alienated the whole province. Posterior to this grant, Great Britain having also acquired from Spain her possessions east of the Mississippi, erected the country into two provinces, East and West Florida. In this state of things it continued until the peace of 1783, when Great Britain, in consequence of the events of the war, surrendered the country to Spain, who for the *first* time came into actual possession of West Florida. Well, sir, how does she dispose of it? She re-annexes it to the residue of Louisiana—extends the jurisdiction of that government to it, and subjects the Governors, or Commandants, of the district of Baton Rouge, Feliciana, Mobile, and Pensacola, to the authority of the Governor of Louisiana, residing at New Orleans; while the Governor of East Florida is placed wholly without his control, and is made amenable directly to the Governor of the Havana. Indeed, sir, I have been credibly informed that all the concessions, or grants of land, made in West Florida, under the authority of Spain, run in the name of the *Government of Louisiana*. You cannot have forgotten that, about the period when we took possession of New Orleans, under the Treaty of cession from France, the whole country resounded with the nefarious speculations which



were alledged to be making in that City with the connivance, if not actual participation, of the Spanish authorities, by the procurement of surreptitious grants of land, particularly in the district of Feliciana. West Florida, then, not only as France had held it, but as it was in the hands of Spain, made a part of the Province of Louisiana; as much so as the jurisdiction or district of Baton Rouge constituted a part of West Florida.

What, then, is the true construction of the Treaties of St. Ildefonso, and of April, 1803, whence our title is derived? If any ambiguity exist in a grant, the interpretation most favorable to the grantee is preferred. It was the duty of the grantor to express himself in plain and intelligible terms. This is the doctrine, not of Coke only, (whose dicta, I admit, have nothing to do with the question,) but of the code of universal law. The doctrine is entitled to augmented force, when a clause only of the instrument is exhibited, in which clause the ambiguity lurks, and the residue of the instrument is kept back by the grantor. The entire Convention of 1762, by which France transferred Louisiana to Spain, is concealed, and the whole of the Treaty of St. Ildefonso, except a solitary clause. We are thus deprived of the aid which a full view of both of those instruments would afford. But we have no occasion to resort to any rules of construction, however reasonable in themselves, to establish our title. A competent knowledge of the facts connected with the case, and a candid appeal to the Treaties, are alone sufficient to manifest our right. The negotiators of the Treaty of 1803 having signed, with the same ceremony, two copies, one in English and the other in the French language, it has been contended that in the English version, the term "cede" has been erroneously used instead of "retrocede," which is the expression in the French copy. And it is argued that we are bound by the phraseology of the French copy, because it is declared that the Treaty was agreed to in that language. It would not be very unfair to inquire if this is not like the common case in private life, where individuals enter into a contract, of which each party retains a copy, duly executed. In such case, neither has the preference. We might as well say to France, we will cling by the English copy, as she could insist upon an adherence to the French copy; and if she urged ignorance on the part of M. Marbois, her negotiator, of our language, we might with equal propriety plead ignorance on the part of our negotiators of her language. As this,

however, is a disputable point, I do not avail myself of it; gentlemen shall have the full benefit of the expressions in the French copy. According to this, then, in reciting the Treaty of St. Ildefonso, it is declared by Spain, in 1800, that she retrocedes to France the Colony or Province of Louisiana, with the same extent which it then had in the hands of Spain, and which it had when France possessed it, and such as it should be after the Treaties subsequently entered into between Spain and other states. This latter member of the description has been sufficiently explained by my colleague.

It is said that since France, in 1762, ceded to Spain only Louisiana west of the Mississippi, and the Island of New Orleans, the retrocession comprehended no more—that the retrocession *ex vi termini* was commensurate with, and limited by, the direct cession from France to Spain. If this were true, then the description, such as Spain held it, that is in 1800, comprising West Florida, and such as France possessed it, that is in 1762, prior to the several sessions, comprising also West Florida, would be totally inoperative. But the definition of the term retrocession, contended for by the other side, is denied. It does not exclude the instrumentality of a third party. It means restoration, or re-conveyance of a thing originally ceded, and so the gentleman from Delaware acknowledged. I admit that the thing restored must have come to the restoring party from the party to whom it is retroceded; whether directly or indirectly is wholly immaterial. In its passage it may have come through a dozen hands. The retroceding party must claim *under* and in virtue of the right originally possessed by the party to whom the retrocession takes place. Allow me to put a case: You own an estate called Louisiana. You convey one moiety of it to the gentleman from Delaware, and the other to me; he conveys his moiety to me, and I thus become entitled to the whole. By a suitable instrument I re-convey, or retrocede the estate called Louisiana to you as I now hold it, and as you held it; what passes to you? The whole estate, or my moiety only? Let me indulge another supposition—that the gentleman from Delaware, after he received from you his moiety, bestowed a new denomination upon it and called it West Florida—would that circumstance vary the operation of my act of retrocession to you? The case supposed is in truth the real one between the United States and Spain. France, in 1762, transfers Louisiana, west of the Mississippi, to Spain, and at the same time conveys the eastern portion of it, exclusive of New Orleans, to

Great Britain. Twenty-one years after, that is, in 1783, Great Britain cedes her part to Spain, who thus becomes possessed of the entire province; one portion by direct cession from France, and the residue by indirect cession. Spain then held the whole of Louisiana under France, and in virtue of the title of France. The whole moved or passed from France to her. When, therefore, in this state of things, she says, in the Treaty of St. Ildefonso, that she retrocedes the Province to France, can a doubt exist that she parts with, and gives back to France, the entire colony? To preclude the possibility of such a doubt, she adds, that she restores it, not in a mutilated condition, but in that precise condition in which France had, and she herself possessed it.

Having thus shown, as I conceive, a clear right in the United States to West Florida, I proceed to inquire if the proclamation of the President directing the occupation of property, which is thus fairly acquired by solemn Treaty, be an unauthorized measure of war and of legislation, as has been contended?

The act of October, 1803, contains two sections, by one of which the President is authorized to occupy the Territories ceded to us by France in the April preceding. The other empowers the President to establish a Provisional Government there. The first section is unlimited in its duration; the other is restricted to the expiration of the then session of Congress. The act therefore of March, 1804, declaring that the previous act of October should continue in force until the 1st of October, 1804, is applicable to the second and not the first section, and was intended to continue the Provisional Government of the President. By the act of 24th February, 1804, for laying duties on goods imported into the ceded Territories, the President is empowered, *whenever he deems it expedient*, to erect the Bay and River Mobile, &c. into a separate district, and to establish therein a port of entry and delivery. By this same act the Orleans Territory is laid off, and its boundaries are so defined as to comprehend West Florida. By other acts, the President is authorized to remove by force, under certain circumstances, persons settling on or taking possession of lands ceded to the United States.

These laws furnish a legislative construction of the Treaty, corresponding with that given by the Executive, and they indisputably vest

in this branch of the General Government the power to take possession of the country, whenever it might be proper in his discretion. The President has not, therefore, violated the Constitution and usurped the war-making power, but he would have violated that provision which requires him to see that the laws are faithfully executed, if he had longer forbore to act. It is urged that he has assumed powers belonging to Congress, in undertaking to annex the portion of West Florida, between the Mississippi and the Perdido, to the Orleans Territory. But Congress, as has been shown, has already made this annexation, the limits of the Orleans Territory, as prescribed by Congress, comprehending the country in question. The President, by his proclamation, has not made law, but has merely declared to the people of West Florida what the law is. This is the office of a proclamation, and it was highly proper that the people of that Territory should be thus notified. By the act of occupying the country, the government *de facto*, whether of Spain or the revolutionists, ceased to exist; and the laws of the Orleans Territory, applicable to the country, by the operation and force of law attached to it. But this was a state of things which the people might not know, and which every dictate of justice and humanity therefore required should be proclaimed. I consider the bill before us merely in the light of a declaratory law.

Never could a more propitious moment present itself for the exercise of the discretionary power placed in the President, and had he failed to embrace it, he would have been criminally inattentive to the dearest interests of this country. It cannot be too often repeated, that if Cuba on the one hand, and Florida on the other, are in the possession of a foreign maritime power, the immense extent of country belonging to the United States, and watered by streams discharging themselves into the Gulf of Mexico—that is one-third, nay, more than two-thirds of the United States, comprehending Louisiana, are placed at the mercy of that power. The possession of Florida is a guarantee absolutely necessary to the enjoyment of the navigation of those streams. The gentleman from Delaware anticipates the most direful consequences from the occupation of the country. He supposes a sally from a Spanish garrison upon the American forces, and asks what is to be done? We attempt a peaceful possession of the country to which we are fairly entitled. If the wrongful occupants under the authority of Spain assail our troops, I trust they will re-

retrieve the lost honor of the nation in the case of the Chesapeake. Suppose an attack upon any portion of the American army within the acknowledged limits of the United States by a Spanish force? In such event there would exist but a single honorable and manly course. The gentleman conceives it ungenerous that we should at this moment, when Spain is encompassed and pressed on all sides by the immense power of her enemy, occupy West Florida. Shall we sit by passive spectators, and witness the interesting transactions of that country—transactions which tend, in the most imminent degree, to jeopard our rights, without attempting to interfere? Are you prepared to see a foreign power seize what belongs to us? I have heard in the most credible manner that, about the period when the President took his measures in relation to that country, agents of a foreign power were intriguing with the people there, to induce them to come under his dominion: but whether this be the fact or not, it cannot be doubted that, if you neglect the present auspicious moment—if you reject the proffered boon, some other nation, profiting by your errors, will seize the occasion to get a fatal footing in your southern frontier. I have no hesitation in saying, that if a parent country will not or cannot maintain its authority in a Colony adjacent to us, and there exists in it a state of misrule and disorder, menacing our peace, and if moreover such Colony, by passing into the hands of any other power, would become dangerous to the integrity of the Union, and manifestly tend to the subversion of our laws, we have a right, upon the eternal principles of self-preservation, to lay hold upon it. This principle alone, independent of any title, would warrant our occupation of West Florida. But it is not necessary to resort to it, our title being in my judgment incontestably good. We are told of the vengeance of resuscitated Spain. If Spain, under any modification of her government, choose to make war upon us, for the act under consideration, the nation, I have no doubt, will be willing to embark in such a contest. But the gentleman reminds us that Great Britain, the ally of Spain, may be obliged, by her connexion with that country, to take part with her against us, and to consider this measure of the President as justifying an appeal to arms. Sir, is the time never to arrive when we may manage our own affairs without the fear of insulting His Britannic Majesty? Is the rod of British power to be for ever suspended over our heads? Does Congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean—we are imme-

diately warned of the indignation of offended England. Is a law of non-intercourse proposed—the whole navy of the haughty mistress of the seas is made to thunder in our ears. Does the President refuse to continue a correspondence with a minister who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole nation—we are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea, or attempt their maintenance by land—whithersoever we turn ourselves, this phantom incessantly pursues us. Already has it had too much influence on the councils of the nation. It contributed to the repeal of the embargo—that dishonorable repeal, which has so much tarnished the character of our government. Mr. President, I have before said on this floor, and now take occasion to remark, that I most sincerely desire peace and amity with England; that I even prefer an adjustment of all differences with her, before one with any other nation. But if she persists in a denial of justice to us, or if she avails herself of the occupation of West Florida to commence war upon us, I trust and hope that all hearts will unite in a bold and vigorous vindication of our rights. I do not believe, however, in the prediction that war will be the effect of the measure in question.

It is asked why, some years ago, when the interruption of the right of deposit took place at New Orleans, the government did not declare war against Spain, and how has it happened that there has been this long acquiescence in the Spanish possession of West Florida? The answer is obvious. It consists in the genius of the nation, which is prone to peace; in that desire to arrange, by friendly negotiation, our disputes with all nations, which has constantly influenced the present and preceding administrations; and in the jealousy of armies, with which we have been inspired by the melancholy experience of free states. But a new state of things has arisen: negotiation has become hopeless. The power with whom it was to be conducted, if not annihilated, is in a situation that precludes it; and the subject matter of it is in danger of being snatched for ever from our power. Longer delay would be construed into a dereliction of our right, and would amount to treachery to ourselves. May I ask, in my turn, why certain gentlemen, now so fearful of war, were so urgent for it with Spain when she withheld the right of deposit? and still later, when in 1805 or '6 this very subject of the actual limits of

Louisiana was before Congress? I will not say, because I do not know that I am authorized to say, *that the motive is to be found in the change of relation between Spain and other European powers, since those periods.*

Does the honorable gentleman from Delaware really believe that he finds in St. Domingo a case parallel with that of West Florida? and that our government, having an illicit commerce with the former, ought not to have interposed in relation to the latter? It is scarcely necessary to consume your time by remarking that we had no pretensions to that island; that it did not menace our repose, nor did the safety of the United States require that they should occupy it. It became, therefore, our duty to attend to the just remonstrance of France against American citizens supplying the rebels with the means of resisting her power.

I am not, sir, in favor of cherishing the passion of conquest. But I must be permitted, in conclusion, to indulge the hope of seeing, ere long, the *new* United States, (if you will allow me the expression,) embracing, not only the old thirteen States, but the entire country east of the Mississippi, including East Florida, and some of the territories to the north of us also.

## ON ARMING FOR WAR WITH ENGLAND.

IN THE HOUSE OF REPRESENTATIVES, DECEMBER 31, 1811.

[THE patience of the Nation having been utterly exhausted by a long series of most flagrant outrages on our Rights and Independence by Great Britain, in the harassing of our Commerce, Searching of our Vessels, Impressment of our Seamen, &c., President MADISON transmitted to Congress, on its assembling, November 4, 1811, a Message recommending decisive measures for the vindication of our National honor, and the redress of our wrongs. The subject immediately became the engrossing one, and many Members spoke in earnest deprecation of War measures—among them JOHN RANDOLPH, of Virginia, with great energy and eloquence. The Committee on Foreign Relations having reported a series of Resolutions echoing the sentiments of the Message, and proposing the immediate increase of the Army, they were debated at length and adopted. A Bill was thereupon framed in and passed by the Senate, proposing to raise thirteen additional regiments for the public service. This Bill having reached the House, and being under consideration in Committee of the Whole, Mr. CLAY (who had entered the House a new Member, aged 34, at the opening of that Session, and been immediately chosen Speaker by a vote of 75 to 44,) rose and addressed the Committee as follows:]

WHEN the subject of raising an additional military force was discussed some days past, it was the pleasure of the House not to deliberate on it in Committee of the Whole. I should not complain of this course of proceeding, nor indeed of any other which they might think fit to take on any other occasion; but the effect was to preclude me from participating in debate; from taking upon myself that share of responsibility for measures which it has become necessary to adopt at the present moment; a responsibility from which I shall never shrink at any period or on any subject. I owe it to myself, to my constituents, and to my country to express, on this occasion, my views of the great interests involved in the bill under consideration.

The first question which presents itself, in relation to this bill, is as to the quantum of force which it proposes to raise. Is it too large or too small—too strong or too weak? The contemplated army is, to my mind, too great for peace; and I am fearful, far as it is above the wishes of some of those with whom I generally have the honor to



act, that it is too small for the purposes of war. The bill provides for the raising of twenty-five thousand troops; the bill recently passed was intended to complete the enlistment for six thousand more. The whole would amount to thirty-one thousand. Deducting for sickness, to which raw troops are peculiarly exposed, and for other deficiencies, a reasonable number of these troops, and to give the most favorable result, we shall not raise by both bills more than twenty or twenty-five thousand effective men. Could a country boundless in extent, with a numerous line of forts and garrisons, liable to invasions and predatory incursions at every point, be defended, and at the same time a war carried on, by a less number of regulars than twenty-five thousand? If the legislative councils err in such a case, they ought to err on the side of safety and vigor. The question is—will you embark in a war which shall be feeble and protracted to a great length of time, or will you make a vigorous stroke and put an end to this territorial war at once? Canada is the avowed object. Suppose you conquer Upper Canada, you must leave men behind to hold it, when you march to Quebec. Your rear must be protected; it would be a new mode of warfare to leave it unprotected! Gentlemen will be deceived, if they calculate upon the treason of the Canadian people. Well, sir, you lay siege to Quebec, garrisoned, I am informed, by seven or eight thousand British forces; you must have at least double that number to take possession of the place. Suppose Quebec reduced; high as is my sense of the valor of my countrymen, I do not believe that militia or volunteers could be obtained to retain it for as long a period as would be necessary. But in respect to the question of economy, I conceive that it would be more expedient to raise a large force at once. With an army of twenty-five thousand men, the territorial war would probably terminate in one year; while it would last, waged with eight or ten thousand troops, three or four years. I said the *territorial* war; for it is probable that for years after the enemy shall be driven from the provinces, hostilities may be prosecuted on the ocean. So much for the quantum of the proposed force. Were I to amplify, as well I might; were I to draw too extensively on the patience of the Committee, they might feel disposed to protest my draft.

I advance to the consideration of the *nature* of the troops. Our republican jealousies; our love of liberty; the danger of standing

armies, are themes which have been successfully touched, in discussing the subject before the Committee, at least so far as our feelings are concerned, however little weight they may have produced on our judgment. I do not stand on this floor as the advocate of standing armies in time of peace; but when war becomes essential, I am the advocate of raising able and vigorous armies to ensure its success. The danger of armies in peace arises from their idleness and dissipation; their corrupted habits, which mould them to the will of ambitious chieftains. We have been the subject of abuse for years by tourists through this country, whether on horseback or on foot, in prose or in poetry; but although we may not have exhibited as many great instances of discoveries and improvements in science, as the long established nations of Europe, the mass of our people possess more general political information than any people on earth; such information is universally diffused among us. This circumstance is one security against the ambition of military leaders. Another barrier is derived from the extent of the country, and the millions of people spread over its face. Paris was taken, and all France consequently subjugated. London might be subdued, and England would fall before the conqueror. But the population and strength of this country are concentrated in no one place. Philadelphia may be invaded; New York or Boston may fall; every seaport may be taken; but the country will remain free. The whole of our Territory on this side of the Alleghany may be invaded; still liberty will not be subdued. We have or will soon have eighteen state governments, capable and possessing the right to apply their immense pecuniary and physical military resources to oppose any daring usurper who may attempt to prostrate our liberties. The national government; one or more of the state sovereignties, may be annihilated; the country will yet be safe. We possess another security against the dangers of armies in the great body of militia. I hope to God that ere long we shall see every man proudly shoulder a musket to defend his liberties. Massachusetts at this time presents the noble spectacle of fifty or sixty thousand of her citizens with arms in their hands, ready to point their bayonets to the breast of any tyrant who may attempt to crush their freedom. And with all these securities, do gentlemen seriously apprehend danger from a pitiful army of 25 or 30,000 men? I trust not.

..I must beg leave to differ with those gentlemen who have thought

it improper to debate upon war in the face of day. It is impossible to conceal the measures of preparation for war. Have gentlemen ever known of a war between France and Russia, for example, without receiving accounts of its being meditated for weeks and months before it actually took place? You may pass your laws in secret, but you cannot secretly execute them. Men must be raised; can they be enlisted in the dark? I feel no difficulty on this point.

X Gentlemen have inquired, what will be gained by the contemplated war? I ask, in turn, what will you not lose by your mongrel state of peace with Great Britain? Do you expect to gain any thing in a pecuniary view? No, sir. Look at your treasury reports. We now receive only six millions of revenue annually; and this amount must be diminished in the same proportion as the rigorous execution of the orders in council shall increase. Before these orders existed, we received sixteen millions. We lose, then, to the amount of ten millions of revenue per annum by our present peace. A war would probably produce the repeal of the orders in council; and our revenue would be restored; our commerce would flourish; our wealth and prosperity would advance. But certain gentlemen tell us to repeal the non-importation, and then we shall have commerce and revenue. Admit that we could be guilty of so gross an act of perfidy, after we have voluntarily pledged our faith to that power which should revoke its hostile edicts, to enforce against its enemy this non-importation; admit this; repeal your laws; and what will be the consequence? We shall present the strange phenomenon of an import without an export trade. We should become bankrupt, if we should thus carry on a trade. Where would our produce find vent? Under the British orders, we cannot send it to the markets of continental Europe. Will Great Britain take our exports? She has no market for them; her people can find use for only a small portion of them. By a continuance of this peace, then, we shall lose our commerce, our character, and a nation's best attribute, our honor. A war will give us commerce and character; and we shall enjoy the proud consciousness of having discharged our highest duty to our country. X

But England, it seems, is fighting the battles of mankind; and we are asked, shall we weaken her magnanimous efforts? For argument's sake, let us concede the fact, that the French Emperor is aim-

ing at universal empire ; can Great Britain challenge our sympathies, when, instead of putting forth her arms to protect the world, she has converted the war into a means of self-aggrandizement ; when, under pretence of defending them, she has destroyed the commerce and trampled on the rights of every nation ; when she has attempted to annihilate every vestige of the public maritime code of which she professes to be the champion ? Shall we bear the cuffs and scoffs of British arrogance, because we may entertain chimerical fears of French subjugation ? Shall we swallow the potion of British poison, lest we may be presented with the imperial dose ? Are we called upon to bow to the mandates of royal insolence, as a preparation to contend against Gallic usurpation ? Who ever learned in the school of base submission, the lessons of noble freedom, and courage, and independence ? Look at Spain. Did she secure her independence by submitting, in the first instance, to the dictates of imperial usurpations ? No, sir. If she had resisted the first intrusion into her councils, her monarch would not at this time be a miserable victim in the dungeons of Marseilles. We cannot secure our independence of one power, by a dastardly submission to the will of another. But look at our own history. Our ancestors of the Revolution resisted the first encroachments of British tyranny. They foresaw that by submitting to pay an illegal tax, contemptible as that was in itself, their liberties would ultimately be subverted. Consider the progress of the present disputes with England. For what were we contending the other day ? For the indirect colonial carrying trade. That has vanished. For what are we now deliberating ? For the direct export and import trade ; the trade in our own cotton, and tobacco, and fish. Give this up, and to-morrow we must take up arms for our right to pass from New York to New Orleans ; from the upper country on James River to Richmond. Sir, when did submission to one wrong induce an adversary to cease his encroachments on the party submitting ? But we are told that we ought only to go to war when our territory is invaded. How much better than invasion is the blocking of our very ports and harbors ; insulting our towns ; plundering our merchants, and scouring our coasts ? If our fields are surrounded, are they in a better condition than if invaded ? When the murderer is at our doors, shall we meanly skulk to our cells ? Or shall we boldly oppose him at his entrance ?

I could wish the past were buried in oblivion. But we cannot

shut our eyes. The other day, the pretence for the orders in council was retaliation for the French edicts. The existence of these edicts was made the ground of Sir William Scott, for the condemnation of the Fox and others. It will be recollected that Sir William had delayed his sentence in the celebrated case, that proof of the repeal of the French decrees might be produced. They were produced. Nevertheless the condemnation took place. But the plea of retaliation has given way to other pretexts and other claims. To the astonishment of all mankind, the British envoy has demanded as a preliminary to the revocation of the orders in council, that the United States shall cause the continental ports to be opened for the admission of British manufactures! We are required to compel France to repeal her *municipal code* itself! Sir, these are some of the motives of the British hostility towards our commerce. She sickens at our prosperity; she is jealous of us; she dreads our rivalry on the ocean. If you doubt this, look at our trade in 1806. Our trade with England was twelve or thirteen millions in her favor. We bought fifty millions worth of her manufactures, and supplied the raw materials for those very manufactures. We furnished her with the necessaries of life, and in exchange, accepted her luxuries. How was our trade with France and Holland? Our exports to both these countries amounted to eighteen millions, our imports to twenty-five millions. Considering the superiority in trade with us, which Great Britain enjoyed over her rival, would she have relinquished that superiority, would she have given up her profitable trade, for the single purpose of humbling that of her antagonist? Would she have hazarded the evils of a war with this country for this object? No, sir, she sees in our numberless ships, whose sails spread upon every sea; she perceives in our hundred and twenty thousand gallant tars, the seeds of a naval force, which in thirty years, will rival her on her own element. She therefore commences the odious system of impressment, of which no language can paint my indignant execration; she dares to attempt the subversion of the personal freedom of our mariners. She aims at depressing our commerce, which she foresees will induce our seamen to enter her service, will impair the means of cherishing our navy, of protecting and extending our commerce, and will at the same time raise her own power.

Sir, we are told this government is not calculated to stand the shock of war; that gentlemen will lose their seats in this and the other House; that our benches will be filled by other men, who after

we have carried on the war, will make for us an ignominious peace. I cannot believe that to retain their seats is the extent of the *amor patriæ* of gentlemen in this House. Can we let our brave countrymen, a Daviess and his associates in arms, perish in manfully fighting our battles, while we meanly cling to our places? But I cannot persuade myself that the nation will be ungrateful. I am convinced that when they know that their government has been strictly impartial towards the belligerents—for surely no gentleman in this House can be so base as to ascribe partiality or other improper motives to us—when they perceive the sincere and persevering exertions of their government to preserve peace; they will continue to adhere to it, even in an unsuccessful war to defend their rights, to assert their honor, the dignity and independence of the country. But my ideas of duty are such, that when my rights are invaded, I must advance to their defence, let what may be the consequence; even if death itself were to be my certain fate.

I must apologize for having trespassed so long upon the patience of the Committee. I trust that I have fully established these three positions: that the quantum of the force proposed by the bill is not too great—that its nature is such as the contemplated war calls for; and that the object of the war is justified by every consideration of justice, of interest, of honor, and love of country. Unless the object is attained by peaceful means, I hope that war will be waged before the close of the session.

## ON THE INCREASE OF THE NAVY.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1812.

[A BILL providing for the general repair and increase of the Navy, the purchase of timber, ordnance, stores, &c. &c., in view of the approaching collision with Great Britain, having been reported to the House, and the section providing for new frigates, leaving a blank for the number, Mr. CHEVES of S. C. moved to fill the blank with ten. Mr. RHEA of Tenn. moved to strike this section out of the Bill. The motion to strike out was advocated by Messrs. RHEA, (mover,) SMITH of Pa., BLACKLEDGE of N. C., and BORD of N. J., and opposed by Messrs. CHEVES, NEWTON of Va., CLAY of Ky., and MITCHELL of N. Y., and was rejected by a vote of 52 to 47. Mr. CLAY spoke as follows:]

As I do not precisely agree in opinion with any gentleman who has spoken, I shall take the liberty of detaining the committee a few moments, while I offer to their attention some observations. I am highly gratified with the temper and ability with which the discussion has hitherto been conducted. It is honorable to the House, and, I trust, will continue to be manifested on many future occasions.

On this interesting topic a diversity of opinion has existed almost ever since the adoption of the present government. On the one hand, there appear to me to have been attempts made to precipitate the nation into all the evils of naval extravagance, which have been productive of so much mischief in other countries; and on the other, strongly feeling this mischief, there has existed an unreasonable prejudice against providing such a competent naval protection for our commercial and maritime rights as is demanded by their importance, and as the increased resources of the country amply justify.

The attention of Congress has been invited to this subject by the President, in his Message delivered at the opening of the session. Indeed, had it been wholly neglected by the Chief Magistrate, from the critical situation of the country, and the nature of the rights proposed

to be vindicated, it must have pressed itself upon our attention. But the President in his message observes: "Your attention will, of course, be drawn to such provisions on the subject of our naval force as may be required for the service to which it is best adapted. I submit to Congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable." The President, by this recommendation, clearly intimates an opinion that the naval force of this country is capable of producing effect; and the propriety of laying up imperishable materials was no doubt suggested for the purpose of making additions to the navy, as convenience and exigences might direct.

It appears a little extraordinary, that so much unreasonable jealousy should exist against the naval establishment. If we look back to the period of the formation of the constitution, it will be found that no such jealousy was then excited. In placing the physical force of the nation at the disposal of Congress, the convention manifested much greater apprehension of abuse in the power given to raise armies than in that to provide a navy. In reference to the navy, Congress is put under no restrictions; but with respect to the army—that description of force which has been so often employed to subvert the liberties of mankind—they are subjected to limitations designed to prevent the abuse of this dangerous power. But it is not my intention to detain the committee by a discussion on the comparative utility and safety of these two kinds of force. I wish, however, to be indulged in saying, that I think gentlemen have wholly failed in maintaining the position they assumed, that the fall of maritime powers is attributable to their navies. They have told us, indeed, that Carthage, Genoa, Venice, and other nations, had navies, and notwithstanding were finally destroyed. But have they shown by a train of argument, that their overthrow was, in any degree, attributable to their maritime greatness? Have they attempted even to show, that there exists in the nature of this power a necessary tendency to destroy the nation using it? Assertion is substituted for argument; inferences not authorized by historical facts are arbitrarily drawn; things wholly unconnected with each other are associated together—a very logical mode of reasoning, it must be admitted! In the same way I could demonstrate how idle and absurd our attachments are to freedom itself. I might say, for example, that Greece and Rome had forms of free government, and that they no longer exist; and, dedu-



cing their fall from their devotion to liberty, the conclusion in favor of despotism would very satisfactorily follow ! I demand what there is in the nature and construction of maritime power to excite the fears that have been indulged ? Do gentlemen really apprehend that a body of seamen will abandon their proper element, and, placing themselves under an aspiring chief, will erect a throne to his ambition ? Will they deign to listen to the voice of history, and learn how chimerical are their apprehensions ?

But the source of alarm is in ourselves. Gentlemen fear that if we provide a marine it will produce collisions with foreign nations—plunge us into war, and ultimately overturn the constitution of the country. Sir, if you wish to avoid foreign collision, you had better abandon the ocean ; surrender all your commerce ; give up all your prosperity. It is the thing protected, not the instrument of protection, that involves you in war. Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the counsels of that statesman be deemed wise who would recommend that the nation should be unarmed—that the art of war, the martial spirit, and martial exercises, should be prohibited—who should declare, in the language of Othello, that the nation must bid “farewell to the neighing steed, and the shrill trump, the spirit-stirring drum, the ear-piercing fife, and all the pride, pomp, and circumstance of glorious war”—and that the great body of the people should be taught that the national happiness was to be found in perpetual peace alone ? No, sir. And yet every argument in favor of a power of protection on land applies, in some degree, to a power of protection on the sea. Undoubtedly a commerce void of naval protection is more exposed to rapacity than a guarded commerce ; and if we wish to invite the continuance of the old, or the enactment of new edicts, let us refrain from all exertion upon that element where we must operate, and where, in the end, they must be resisted.

For my part, I do not allow myself to be alarmed by those apprehensions of maritime power which appear to agitate other gentlemen. In the nature of our government I behold abundant security against abuse. I would be unwilling to tax the land to support the rights of the sea, and am for drawing from the sea itself the resources with which its violated freedom should at all times be vindicated. Whilst this principle is adhered to, there will be no danger

of running into the folly and extravagance which so much alarm gentlemen; and whenever it is abandoned—whenever Congress shall lay burdensome taxes to augment the navy beyond what may be authorized by the increase of wealth, and demanded by the exigences of the country, the people will interpose, and, removing their unworthy representatives, apply the appropriate corrective. For these reasons I can see no just ground of dread in the nature of naval power. It is, on the contrary, free from the evils attendant upon standing armies. And the genius of our institutions—the great representative principle, in the practical enjoyment of which we are so eminently distinguished, affords the best guarantee against the ambition and wasteful extravagance of government. What maritime strength is it expedient to provide for the United States? In considering this subject, three different degrees of naval power present themselves. In the first place, such a force as would be capable of contending with that which any other nation is able to bring on the ocean—a force that, boldly scouring every sea, would challenge to combat the fleets of other powers, however great. I admit it is impossible at this time, perhaps it never will be desirable, for this country to establish so extensive a navy. Indeed, I should consider it as madness in the extreme in this government to attempt to provide a navy able to cope with the fleets of Great Britain, wherever they might be met.

The next species of naval power to which I will advert, is that which, without adventuring into distant seas, and keeping generally in our own harbors, and on our coasts, would be competent to beat off any squadron which might be attempted to be permanently stationed in our waters. My friends from South Carolina (Messrs. Cheves and Lowndes) have satisfactorily shown that, to effect this object, a force equivalent only to one-third of that which the maintenance of such a squadron must require, would be sufficient—that if, for example, England should determine to station permanently upon our coast a squadron of twelve ships of the line, it would require for this service thirty-six ships of the line, one-third in port repairing, one-third on the passage, and one-third on the station. But that is a force which it has been shown that even England, with her boasted navy, could not spare for the American service, whilst she is engaged in the present contest. I am desirous of seeing such a force as I have described, that is, twelve ships of the line, and fifteen or twenty frigates, provided for the United States; but I admit that it is unattainable in

the present situation of the finances of the country. I contend, however, that it is such a force as Congress ought to set about providing, and I hope in less than ten years to see it actually established. I am far from surveying the vast maritime power of Great Britain with the desponding eye with which other gentlemen behold it. I cannot allow myself to be discouraged at a prospect of even her thousand ships. This country only requires resolution, and a proper exertion of its immense resources, to command respect, and to vindicate every essential right. When we consider our remoteness from Europe, the expense, difficulty, and perils to which any squadron would be exposed while stationed off our coasts, there can be no doubt that the force to which I have referred would ensure the command of our own seas. Such a force would avail itself of our extensive sea-board and numerous harbors, everywhere affording asylums, to which it could safely retire from a superior fleet, or from which it could issue for the purpose of annoyance. To the opinion of my colleague, (Mr. McKee,) who appears to think that it is vain for us to make any struggle on the ocean, I would oppose the sentiments of his distinguished connexion, the heroic Daviess, who fell in the battle of Tippecanoe.

[Here Mr. C. read certain parts of a work written by Col. Daviess, in which the author attempts to show, that, as the aggressions upon our commerce were not committed by fleets, but by single vessels, they could in the same manner be best retaliated: that the force of about twenty or thirty frigates would be capable of inflicting great injury on English commerce by picking up stragglers, cutting off convoys, and seizing upon every moment of supineness; and that such a force, with our sea-ports and harbors well fortified, and aided by privateers, would be really formidable, and would annoy the British navy and commerce, just as the French were assailed in Egypt, the Persian army in Scythia, and the Roman army in Parthia.]

The third description of force, worthy of consideration, is that which would be able to prevent any single vessel, of whatever metal, from endangering our whole coasting trade, blocking up our harbors, and laying under contribution our cities—a force competent to punish the insolence of the commander of any single ship, and to preserve in our own jurisdiction the inviolability of our peace and our laws. A force of this kind is entirely within the compass of our means, at this time. Is there a reflecting man in the nation who would not charge Congress with a culpable neglect of its duty, if, for the want of such a force, a single ship were to bombard one of our cities? Would not every honorable member of the Committee indict on himself the bitterest reproaches, if, by failing to make an inconsiderable addition to our little gallant navy, a single British vessel should place New York

under contribution! Yes, sir, when the city is in flames, its wretched inhabitants begin to repent of their neglect, in not providing engines and water buckets. If we are not able to meet the wolves of the forest, shall we put up with the barking impudence of every petty cur that trips across our way? Because we cannot guard against every possible danger, shall we provide against none? I hope not. I hardly expected that the instructing but humiliating lesson was so soon to be forgotten which was taught us in the murder of *Pierce*—the attack on the *Chesapeake*—and the insult offered in the very harbor of Charleston, which the brave old fellow who commanded the fort in vain endeavored to chastise. It is a rule with me, when acting either in a public or private character, to attempt nothing more than what there exists a prospect of accomplishing. I am therefore not in favor of entering into any mad projects on this subject, but for deliberately and resolutely pursuing what I believe to be within the power of the government. Gentlemen refer to the period of 1798, and we are reminded of the principles maintained by the opposition at that time. I have no doubt of the correctness of that opposition. The naval schemes of that day were premature, not warranted by the resources of the country, and were contemplated for an unnecessary war into which the nation was about to be plunged. I have always admired and approved the zeal and ability with which that opposition was conducted by the distinguished gentleman now at the head of the treasury. But the state of things is totally altered. What was folly in 1798 may be wisdom now. At that time we had a revenue only of about six millions. Our revenue now, upon a supposition that commerce is restored, is about sixteen millions. The population of the country too is greatly increased, nearly doubled, and the wealth of the nation is perhaps tripled. Whilst our ability to construct a navy is thus enhanced, the necessary maritime protection is proportionably augmented. Independent of the extension of our commerce, since the year 1798 we have had an addition of more than five hundred miles to our coast, from the bay of *Perdido* to the mouth of the *Sabine*—a weak and defenceless accession, requiring more than any other part of our maritime frontier, the protecting arm of government.

The groundless imputation, that those who are friendly to a navy are espousing a principle inimical to freedom, shall not terrify me. I am not ashamed when in such company as the illustrious author of the

Notes on Virginia, whose opinion on the subject of a navy, contained in that work, contributed to the formation of my own. But the principle of a navy is no longer open to controversy. It was decided when Mr. Jefferson came into power. With all the prejudices against a navy which are alleged by some to have been then brought into the administration—with many honest prejudices, I admit—the rash attempt was not made to destroy the establishment. It was reduced to only what was supposed to be within the financial capacity of the country. If, ten years ago, when all those prejudices were to be combated, even in time of peace, it was deemed proper, by the then administration, to retain in service ten frigates, I put it to the candor of gentlemen to say, if now, when we are on the eve of a war, and taking into view the actual growth of the country, and the acquisition of our coast on the Gulf of Mexico, we ought not to add to the establishment.

I have hitherto alluded more particularly to the exposed situation of certain parts of the Atlantic frontier. Whilst I feel the deepest solicitude for the safety of New York, and other cities on the coast, I would be pardoned by the Committee for referring to the interests of that section of the Union from which I come. If there be a point more than any other in the United States demanding the aid of naval protection, that point is the mouth of the Mississippi. What is the population of the Western country, dependant on this single outlet for its surplus productions? Kentucky, according to the last enumeration, has 405,511, Tennessee 261,727, and Ohio 230,760. And when the population of the western parts of Virginia and Pennsylvania, and the territories which are drained by the Mississippi or its waters, is added, it will form an aggregate equal to about one-fifth of the whole population of the United States, resting all their commercial hopes upon this solitary vent! The bulky articles of which their surplus productions consist, can be transported no other way. They will not bear the expense of a carriage up the Ohio and Tennessee, and across the mountains; and the circuitous voyage of the lakes is out of the question. Whilst most other States have the option of numerous outlets, so that if one be closed resort can be had to others, this vast population has no alternative. Close the mouth of the Mississippi and their export trade is annihilated. I call the attention of my Western friends, especially my worthy Kentucky friends (from whom I feel myself with regret constrained to differ on

this occasion) to the state of the public feeling in that quarter, whilst the navigation of the Mississippi was withheld by Spain; and to the still more recent period when the right of depot was violated. The whole country was in commotion, and, at the nod of government, would have fallen on Baton Rouge and New Orleans, and punished the treachery of a perfidious government. Abandon all idea of protecting, by maritime force, the mouth of the Mississippi, and we shall have the recurrence of many similar scenes. We shall hold the inestimable right of the navigation of that river by the most precarious tenure. The whole commerce of the Mississippi—a commerce that is destined to be the richest that was ever borne by a single stream—is placed at the mercy of a single ship lying off the Balize! Again: the convulsions of the new world, still more perhaps than those of Europe, challenge our attention. Whether the ancient dynasty of Spain is still to be upheld or subverted, is extremely uncertain, if the bonds connecting the parent country with her colonies are not for ever broken. What is to become of Cuba? Will it assert independence, or remain the province of some European power? In either case the whole trade of the western country, which must pass almost within gun-shot of the Moro Castle, is exposed to danger. It is not, however, Cuba that I fear. I wish her independent. But suppose England gets possession of that valuable island. With Cuba on the south and Halifax on the north—and the consequent means of favoring or annoying commerce of particular sections of the country—I ask if the most sanguine amongst us would not tremble for the integrity of the Union? If, along with Cuba, Great Britain should acquire East Florida, she will have the absolute command of the Gulf of Mexico. Can gentlemen, particularly gentlemen from the Western country, contemplate such possible, nay, probable events, without desiring to see at least the commencement of such a naval establishment as would effectually protect the Mississippi? I entreat them to turn their attention to the defenceless situation of the Orleans Territory, and to the nature of its population. It is known that whilst under the Spanish government they experienced the benefit of naval security. Satisfy them that under the government of the United States they will enjoy less protection, and you disclose the most fatal secret.

The general government receives annually for the public lands, about \$600,000. One of the sources whence the Western people

raise this sum, is the exportation of the surplus productions of that country. Shut up the Mississippi, and this source is in a great measure dried up. But suppose this government to look upon the occlusion of the Mississippi without making an effort on that element, where alone it could be made successfully, to remove the blockading force, and at the same time to be vigorously pressing payment for the public lands; I shudder at the consequences. Deep-rooted as I know the affections of the western people to be to the Union, (and I will not admit their patriotism to be surpassed by any other quarter of the country,) if such a state of things were to last any considerable time, I should seriously apprehend a withdrawal of their confidence. Nor, sir, could we derive any apology for the failure to afford this protection from the want of the materials for naval architecture. On the contrary, all the articles entering into the construction of a navy—iron, hemp, timber, pitch, abound in the greatest abundance on the waters of the Mississippi. Kentucky alone, I have no doubt, raised hemp enough the last year for the whole consumption of the United States.

If, as I conceive, gentlemen have been unsuccessful in showing that the downfall of maritime nations is ascribable to their navies, they have been more fortunate in showing, by the instances to which they have referred, that without a marine, no foreign commerce could exist to any extent. It is the appropriate, the natural (if the term may be allowed) connexion of foreign commerce. The shepherd and his faithful dog are not more necessary to guard the flock that browses and gambol on the neighboring mountain. I consider the prosperity of foreign commerce indissolubly allied to marine power. Neglect to provide the one and you must abandon the other. Suppose the expected war with England is commenced, you enter and subjugate Canada, and she still refuses to do you justice—what other possible mode will remain to operate on the enemy but upon that element where alone you can then come in contact with him? And if you do not prepare to protect there your own commerce, and to assail his, will he not sweep from the ocean every vessel bearing your flag, and destroy even the coasting trade? But from the arguments of gentlemen, it would seem to be questioned if foreign commerce is worth the kind of protection insisted upon. What is this foreign commerce, that has suddenly become so inconsiderable? It has, with very trifling aid from other sources, defrayed the expenses of government ever

since the adoption of the present constitution; maintained an expensive and successful war with the Indians; a war with the Barbary powers; a quasi war with France; sustained the charges of suppressing two insurrections, and extinguishing upwards of forty-six millions of the public debt. In revenue it has, since the year 1789, yielded one hundred and ninety-one millions of dollars. During the first four years after the commencement of the present government, the revenue averaged only about two millions annually; during a subsequent period of four years, it rose to an average of fifteen millions annually, or became equivalent to a capital of two hundred and fifty millions of dollars, at an interest of six per centum per annum. And if our commerce is re-established, it will, in the course of time, nett a sum for which we are scarcely furnished with figures in arithmetic. Taking the average of the last nine years, (comprehending, of course, the season of the embargo,) our exports average upwards of thirty-seven millions of dollars, which is equivalent to a capital of more than six hundred millions of dollars, at six per centum interest, all of which must be lost in the event of a destruction of foreign commerce. In the abandonment of that commerce is also involved the sacrifice of our brave tars, who have engaged in the pursuit from which they derive subsistence and support, under the confidence that government would afford them that just protection which is due to all. They will be driven into foreign employment, for it is vain to expect that they will renounce their habits of life.

The spirit of commercial enterprise, so strongly depicted by the gentleman from New York, (Mr. Mitchell,) is diffused throughout the country. It is a passion as unconquerable as any with which nature has endowed us. You may attempt indeed to regulate, but you cannot destroy it. It exhibits itself as well on the waters of the western country as on the waters and shores of the Atlantic. I have heard of a vessel built at Pittsburgh having crossed the Atlantic and entering a European port (I believe that of Leghorn.) The master of the vessel laid his papers before the proper custom officer, which, of course, stated the place of her departure. The officer boldly denied the existence of any such American port as Pittsburgh, and threatened a seizure of the vessel as being furnished with forged papers. The affrighted master procured a map of the United States, and, pointing out the Gulf of Mexico, took the officer to the mouth of the Mississippi—traced the course of the Mississippi more than a



thousand miles to the mouth of the Ohio; and conducting him still a thousand miles higher, to the junction of the Alleghany and Monongahela—"There," he exclaimed, "stands Pittsburgh, the port from which I sailed!" The custom-house officer, prior to the production of this evidence, would have as soon believed that the vessel had performed a voyage from the moon.

In delivering the sentiments which I have expressed, I consider myself as conforming to a sacred constitutional duty. When the power to provide a navy was confided to Congress, it must have been the intention of the convention to submit only to the discretion of the body the period when that power should be exercised. That period has, in my opinion, arrived, at least for making a respectable beginning. And whilst I thus discharge what I conceive to be my duty, I derive great pleasure from the reflection that I am supporting a measure calculated to impart additional strength to our happy Union. Diverse as are the interests of its various parts, how admirably do they harmonize and blend together! We have only to make a proper use of the bounties spread before us, to render us prosperous and powerful. Such a navy as I have contended for, will form a new bond of connexion between the States, concentrating their hopes, their interests and their affections.

## ON THE NEW ARMY BILL.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 8, 1813.

[WAR was declared against Great Britain on the 18th of June, 1812, and military operations commenced on our Northern frontier, which resulted at first in a series of unexpected and disgraceful disasters to our arms. In the midst of these reverses the election of President came on, and the supporters of the War narrowly escaped being defeated by the choice of DE WITT CLINTON, the Peace candidate, over the incumbent, JAMES MADISON. Congress having re-assembled, the majority immediately applied itself to the adoption of measures calculated to revive the drooping spirits and re-invigorate the arms of the country. First among these was a Bill to Increase the Army, by raising twenty additional regiments. The Bill being under discussion in Committee of the Whole, Mr. CLAY engaged in the debate, addressing the House on the general topics involved, and the merits of the War, as follows:]

I WAS gratified yesterday by the recommitment of this bill to a Committee of the Whole House, from two considerations; one, since it afforded me a slight relaxation from a most fatiguing situation; and the other, because it furnished me with an opportunity of presenting to the Committee my sentiments upon the important topics which have been mingled in the debate. I regret, however, that the necessity under which the Chairman had been placed of putting the question, precluded the opportunity I have wished to enjoy, of rendering more acceptable to the Committee any thing I might have to offer on the interesting points on which it is my duty to touch. Unprepared, however, as I am to speak on this day, of which I am the more sensible, from the ill state of my health, I will solicit the attention of the Committee for a few moments.

I was a little astonished, I confess, when I found this bill permitted to pass silently through the Committee of the Whole, and not selected, until the moment when the question was about to be put for its third reading, as the subject on which gentlemen in the opposition chose to lay before the House their views of the

interesting attitude in which the nation stands. It did appear to me, that the Loan bill, which will soon come before us, would have afforded a much more proper occasion, it being more essential, as providing the ways and means for the prosecution of the war. But the gentlemen had the right of selection, and having exercised it, no matter how improperly, I am gratified, whatever I may think of the character of some part of the debate, at the latitude in which, for once, they have been indulged. I claim only, in return, of gentlemen on the other side of the House, and of the Committee, a like indulgence in expressing my sentiments, with the same unrestrained freedom. Perhaps, in the course of the remarks which I may feel myself called upon to make, gentlemen may apprehend that they assume too harsh an aspect; but I have only now to say, that I shall speak of parties, measures, and things, as they strike my moral sense, protesting against the imputation of any intention, on my part, to wound the feelings of any gentleman.

Considering the situation in which this country is now placed—a state of actual war with one of the most powerful nations on the earth—it may not be useless to take a view of the past, and of the various parties which have at different times appeared in this country, and to attend to the manner by which we have been driven from a peaceful posture, to our present warlike attitude. Such an inquiry may assist in guiding us to that result, an honorable peace, which must be the sincere desire of every friend to America. The course of that opposition, by which the administration of the government has been unremittingly impeded for the last twelve years, is singular, and, I believe, unexampled in the history of any country. It has been alike the duty and the interest of the administration to preserve peace. It was their duty, because it is necessary to the growth of an infant people, to their genius, and to their habits. It was their interest, because a change of the condition of the nation brings along with it a danger of the loss of the affections of the people. The administration has not been forgetful of these solemn obligations. No art has been left unessayed; no experiment, promising a favorable result, left untried, to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming, an embargo was imposed. It would have accomplished its purpose, but it



was sacrificed upon the altar of conciliation. Vain and fruitless attempt to propitiate! Then came along non-intercourse; and a general non-importation followed in the train. In the mean time, any indications of a return to the public law and the path of justice, on the part of either belligerent, are seized upon with avidity by the administration—the arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with what unfeigned sincerity, with what real effort administration cultivates peace, the opposition insist that it alone is culpable for every breach that is made between the two countries. Because the President thought proper, in accepting the proffered reparation for the attack on a national vessel, to intimate that it would have better comported with the justice of the king, (and who does not think so?) to punish the offending officer, the opposition, entering into the royal feelings, sees, in that imaginary insult, abundant cause for rejecting Mr. Erskine's arrangement. On another occasion, you cannot have forgotten the hypocritical ingenuity which they displayed, to divest Mr. Jackson's correspondence of a premeditated insult to this country. If gentlemen would only reserve for their own government, half the sensibility which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been tried—negotiation has been resorted to, until further negotiation would have been disgraceful. Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war; the proud, the spirited, the sole repository of the nation's honor; the men of exclusive vigor and energy. The administration, on the contrary, is weak, feeble, and pusillanimous—"incapable of being kicked into a war." The maxim, "not a cent for tribute, millions for defence," is loudly proclaimed. Is the administration for negotiation? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword and avenge the nation's wrongs. When, however, foreign nations, perhaps, emboldened by the very opposition here made, refuse to listen to the amicable appeals, which have been repeated and reiterated by the administration, to their justice and to their interests—when, in fact, war with one of them has become identified with our independence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war—its tragical events—the squandering away of your resources—the waste of the public treasure,

and the spilling of innocent blood. "Gorgons, hydras, and chimeras dire." They tell you that honor is an illusion! Now we see them exhibiting the terrific forms of the roaring king of the forest. Now the meekness and humility of the lamb! They are for war and no restrictions, when the administration is for peace. They are for peace and restrictions, when the administration is for war. You find them, sir, tacking with every gale, displaying the colors of every party, and of all nations, steady only in one unalterable purpose, to steer, if possible, into the haven of power.

During all this time, the parasites of opposition do not fail by cunning sarcasm or sly innuendo to throw out the idea of French influence, which is known to be false, which ought to be met in one manner only, and that is by the lie direct. The administration of this country devoted to foreign influence! The administration of this country subservient to France! Great God! what a charge! how is it so influenced? By what ligament, on what basis, on what possible foundation does it rest? Is it similarity of language? No! we speak different tongues—we speak the English language. On the resemblance of our laws? No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two governments? No! here alone is the liberty of man secure from the inexorable despotism which everywhere else tramples it under foot. Where then is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible (but I have nevertheless been told it as a fact) that an honorable member of this house, now in my eye, recently lost his election by the circulation of a silly story in his district, that he was the first cousin of the Emperor Napoleon. The proof of the charge rested on the statement of facts, which was undoubtedly true. The gentleman in question, it was alleged, had married a connexion of the lady of the President of the United States, who was the intimate friend of Thomas Jefferson, late President of the United States, who some years ago was in the habit of wearing red French breeches. Now, taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily follows!



Throughout the period I have been speaking of, the opposition has been distinguished, amidst all its veerings and changes, by another inflexible feature—the application to Bonaparte of every vile and opprobrious epithet, which our language, copious as it is in terms of vituperation, affords. He has been compared to every hideous monster and beast, from that mentioned in the Revelation, down to the most insignificant quadruped. He has been called the scourge of mankind, the destroyer of Europe, the great robber, the infidel, the modern Attila, and heaven knows by what other names. Really, gentlemen remind me of an obscure lady, in a city not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She too spoke of the destruction of the balance of power, stormed and raged about the insatiable ambition of the emperor; called him the curse of mankind, the destroyer of Europe. The Frenchman listened to her with perfect patience, and, when she had ceased, said to her, with ineffable politeness, “Madam, it would give my master, the emperor, infinite pain, if he knew how hardly you thought of him.” Sir, gentlemen appear to me to forget that they stand on American soil; that they are not in the British House of Commons, but in the chamber of the House of Representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts of another country, and forgetting, from honest zeal, the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me whether I do not view with regret and horror the concentration of such vast power in the hands of Bonaparte, I reply that I do. I regret to see the emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of our globe. If I had the ability to distribute among the nations of Europe their several portions of power and sovereignty, I would say that Holland should be resuscitated, and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries, the Alps, Pyrenees, and the Rhine, and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to their original condition, and preserve the integrity of the empire of Russia. But these are speculations. I look

at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries, or other times. I do not survey them with half the interest that I do the movements in South America. Our political relations with them are much less important than they are supposed to be. I have no fears of French or English subjugation. If we are united, we are too powerful for the mightiest nation in Europe, or all Europe combined. If we are separated and torn asunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

Next to the notice which the opposition has found itself called upon to bestow upon the French emperor, a distinguished citizen of Virginia, formerly President of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable gentleman from Massachusetts, (Mr. Quincy,) of whom I am sorry to say it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir, in 1801 he snatched from the rude hand of usurpation the violated constitution of his country, and *that* is his crime. He preserved that instrument, in form, and substance, and spirit, a precious inheritance for generations to come, and for *this* he can never be forgiven. How vain and impotent is party rage, directed against such a man! He is not more elevated by his lofty residence, upon the summit of his own favorite mountain, than he is lifted, by the serenity of his mind, and the consciousness of a well spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not more moved by the storms that beat against its sides, than is this illustrious man, by the howlings of the whole British pack set loose from the Essex kennel! When the gentleman to whom I have been compelled to allude shall have mingled his dust with that of his abused ancestors—when he shall have been consigned to oblivion, or, if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will be hailed with gratitude, his memory honored and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to as one of the the happiest and brightest epochs of American history; an oasis in the midst of



a sandy desert. But I beg the gentleman's pardon; he has indeed secured to himself a more imperishable fame than I had supposed. I think it was about four years ago that he submitted to the House of Representatives an initiative proposition for an impeachment of Mr. Jefferson. The House condescended to consider it. The gentleman debated it with his usual *temper, moderation, and urbanity*. The House decided upon it in the most solemn manner, and, although the gentleman had somehow obtained a second, the final vote stood one for, and one hundred and seventeen against the proposition! The same historic page that transmitted to posterity the virtue and the glory of Henry the Great of France, for their admiration and example, has preserved the infamous name of the fanatic assassin of that excellent monarch. The same sacred pen that portrayed the sufferings and crucifixion of the Saviour of mankind, has recorded, for universal execration, the name of him who was guilty, not of betraying his country, but (a kindred crime) of betraying his God.

In one respect there is a remarkable difference between the administration and the opposition—it is in a sacred regard for personal liberty. When out of power, my political friends condemned the surrender of Jonathan Robbins; they opposed the violation of the freedom of the press, in the sedition law; they opposed the more insidious attack upon the freedom of the person, under the imposing garb of an alien law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and passed those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to theirs, they oppose a war undertaken for this object. They have indeed lately affected a tender solicitude for the liberties of the people, and talk of the danger of standing armies, and the burden of taxes. But it must be evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue evinces that it is not their vernacular tongue. What! the opposition who, in 1798 and 1799, could raise a useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known and specific object—the attack of the adjoining provinces of the enemy. What! the gentleman from Massachusetts, who assisted by his vote to raise the army of 25,000, alarmed at the danger of our liberties from this very army!

But, sir, I must speak of another subject, which I never think of



but with feelings of the deepest awe. The gentleman from Massachusetts, in imitation of some of his predecessors of 1799, has entertained us with a picture of cabinet plots, presidential plots, and all sorts of plots, which have been engendered by the diseased state of the gentleman's imagination. I wish, sir, that another plot of a much more serious and alarming character—a plot that aims at the dismemberment of our Union, had only the same imaginary existence. But no man, who has paid any attention to the tone of certain prints, and to transactions in a particular quarter of the Union, for several years past, can doubt the existence of such a plot. It is far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. But I cannot say as much for some, who have been unworthily associated with them in the quarter of the Union to which I have referred. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this House, "Peaceably if we can, FORCIBLY if we must;" nearly at the very time Henry's mission to Boston was undertaken. The flagitiousness of that embassy has been attempted to be concealed, by directing the public attention to the price which the gentleman says was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate, in the slightest degree, the offence of those citizens, who entertained and deliberated upon a proposition so infamous and unnatural! There was a most remarkable coincidence between some of the things which that man states, and certain events in the quarter alluded to. In the contingency of a war with Great Britain, it will be recollected that the neutrality and eventual separation of that section of the Union was to be brought about. How, sir, has it happened, since the declaration of war, that British officers in Canada have asserted to American officers, that this very neutrality would take place? That they have so asserted, can be established beyond controversy. The project is not brought forward openly, with a direct avowal of the intention. No, the stock of good sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship, of peace and commerce on the one side, and by the groundless imputation of opposite propensities on the other. The affections of the people there are gradually to be undermined. The project is suggested or withdrawn; the diabolical *dramatis personæ*, in this criminal tragedy, make their appearance or exit, as the audience, to whom they ad-

dress themselves, applaud or condemn. I was astonished, sir, in reading lately a letter, or pretended letter, published in a prominent print in that quarter, and written, not in the fervor of party zeal, but coolly and dispassionately, to find that the writer affected to reason about a separation, and attempted to demonstrate its advantages to the different portions of the Union—deploring the existence now of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated. But, sir, I will quit this unpleasant subject; I will turn from one, whom no sense of decency or propriety could restrain from soiling the carpet on which he treads, to gentlemen who have not forgotten what is due to themselves, to the place in which we are assembled, or to those by whom they are opposed. The gentlemen from North Carolina, (Mr. Pearson,) from Connecticut, (Mr. Pitkin,) and from New York, (Mr. Bleecker,) have, with their usual decorum, contended that the war would not have been declared, had it not been for the duplicity of France, in withholding an authentic instrument, repealing the decrees of Berlin and Milan; that upon the exhibition of such an instrument, the revocation of the orders in council took place; that this main cause of the war, but for which it would not have been declared, being removed, the administration ought to seek for the restoration of peace; and that upon its sincerely doing so, terms compatible with the honor and interest of this country might be obtained. It is my purpose to examine, first, into the circumstances under which the war was declared; secondly, into the causes of continuing it; and, lastly, into the means which have been taken, or ought to be taken, to procure peace: but, sir, I am really so exhausted, that, little as I am in the habit of asking of the house an indulgence of this kind, I feel I must trespass on their goodness.

[Here Mr. CLAY sat down. Mr. Newton then moved that the Committee rise, report progress, and ask leave to sit again, which was done. On the next day he proceeded.]

I am sensible, Mr. Chairman, that some part of the debate, to which this bill has given rise, has been attended by circumstances much to be regretted, not usual in this House, and of which it is to be hoped, there will be no repetition. The gentleman from Boston has so absolved himself from every rule of decorum and propriety, has so outraged all decency, that I have found it impossible to suppress the feelings excited on the occasion. His colleague, whom I



have the honor to follow (Mr. Wheaton,) whatever else he may not have proved, in his very learned, ingenious, and original exposition of the powers of this government—an exposition in which he had sought where nobody before him has, and nobody after him will look, for a grant of our powers, I mean the preamble to the Constitution,—has clearly shown, to the satisfaction of all who heard him, that the power of defensive war is conferred. I claim the benefit of a similar principle in behalf of my political friends against the gentleman from Boston. I demand only the exercise of the right of repulsion. No one is more anxious than I am to preserve the dignity and freedom of debate—no member is more responsible for its abuse, and if, on this occasion, its just limits have been violated, let him who has been the unprovoked aggressor appropriate to himself, exclusively, the consequences.

I omitted, yesterday, sir, when speaking of a delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the Union employ to effect their nefarious purposes—I mean southern influence. The true friend to his country knowing that our Constitution was the work of compromise, in which interests apparently conflicting were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those who are urged on by diabolical ambition. They find it convenient to imagine the existence of certain improper influences, and to propagate with their utmost industry a belief of them. Hence the idea of southern preponderance,—Virginia influence,—the yoking of the respectable yeomanry of the north, with negro slaves, to the car of southern nabobs. If Virginia really cherished a reprehensible ambition, an aim to monopolise the Chief Magistracy of the country, how was such a purpose to be accomplished? Virginia, alone, cannot elect a President, whose elevation depends upon a plurality of electoral votes, and a consequent concurrence of many States. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, Louisiana, all consent to become the tools of inordinate ambition? But the present incumbent was designated to the office before his predecessor had retired. How? By public sentiment—public sentiment which grew out of his known virtues, his illustrious services, and his distinguished abilities. Would the gentleman crush this public senti-

ment,—is he prepared to admit that he would arrest the progress of opinion?

The war was declared because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council,—a pretension by which she undertook to proclaim to American enterprise, “Thus far shalt thou go, and no farther”—orders which she refuses to revoke after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war, in fact, was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war,—so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not or could not utter one syllable against it. It is true, they wrapped themselves up in sullen silence, pretending they did not choose to debate such a question in secret session. Whilst speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact which transpired,—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague (Mr. M’Kee) moved, in Committee of the Whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom seven belonged to this side of the House, and three only to the other! It is said that we were inveigled into the war by the perfidy of France; and that had she furnished the document in time, which was first published in England, in May last, it would have been prevented. I will concede to gentlemen every thing they ask about the injustice of France towards this country. I wish to God that our ability was equal to our disposition, to make her feel the sense that we entertain of that injustice. The manner of the publication of the paper in question was undoubtedly extremely exceptionable. But I maintain that had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British government. I will trouble you, sir, with going no further back than to the letters of the British minister, addressed



to the Secretary of State, just before the expiration of his diplomatic functions. It will be recollected by the committee that he exhibited to this government a despatch from Lord Castlereagh, in which the principle was distinctly avowed, that to produce the effect of a repeal of the orders in council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that despatch was demanded of him, and he very awkwardly evaded it. But on the tenth of June, after the bill declaring war had actually passed this House, and was pending before the Senate, (and which, I have no doubt, was known to him,) in a letter to Mr. Monroe, he says :

"I have no hesitation, sir, in saying that Great Britain, as the case has hitherto stood, never did, nor ever *could* engage, without the greatest injustice to herself and her allies, as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other states, upon condition that France would except, singly and specially, America from the operation of her decrees."

On the fourteenth of the same month, the bill still pending before the Senate, he repeats :

"I will now say, that I feel entirely authorized to assure you, that if you can at any time produce a *full and unconditional* repeal of the French decrees, as you have a right to demand it in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing *such* an instrument, which I am sorry to see you regard as unnecessary, you cannot expect of us to give up our orders in council."

Thus, sir, you see that the British government would not be content with a repeal of the French decrees as to us only. But the French paper in question was such a repeal. It could not therefore satisfy the British government. It could not therefore have induced that government, had it been earlier promulgated, to repeal the orders in council. It could not therefore have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended that, in point of fact, it did produce a repeal of the orders in council. This I deny. After it made its appearance in England, it was declared by one of the British ministry, in Parliament, not to be satisfactory. And all the world knows, that the repeal of the orders in council resulted from the inquiry, reluctantly acceded to by the ministry, into the effect upon their manufacturing establishments of our non-importation law, or to the warlike attitude assumed by this government, or to both. But it is said that the orders in council are withdrawn, no matter from

what cause ; and that having been the sole motive for declaring the war, the relations of peace ought to be restored. This brings me to the examination of the grounds for continuing the present hostilities between this country and Great Britain.

I am far from acknowledging that, had the orders in council been repealed, as they have been, before the war was declared, the declaration of hostilities would of course have been prevented. In a body so numerous as this is, from which the declaration emanated, it is impossible to say, with any degree of certainty, what would have been the effect of such a repeal. Each member must answer for himself. As to myself, I have no hesitation in saying, that I have always considered the impressment of American seamen as much the most serious aggression. But, sir, how have those orders at last been repealed ? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingencies, of which she constitutes herself the sole judge. She waves the temporary use of the rod, but she suspends it *in terrorem* over our heads. Supposing it to be conceded to gentlemen that such a repeal of the orders in council as took place on the twenty-third June last, exceptionable as it is, being known before the war was proclaimed, would have prevented it : does it follow that it ought to induce us to lay down our arms, without the redress of any other injury of which we complain ? Does it follow, in all cases, that that which would, in the first instance, have prevented, would also terminate the war ? By no means. It requires a strong and powerful effort in a nation, prone to peace as this is, to burst through its habits and encounter the difficulties and privations of war. Such a nation ought but seldom to embark in a belligerent contest ; but when it does, it should be for obvious and essential rights alone, and should firmly resolve to extort, at all hazards, their recognition. The war of the revolution is an example of a war begun for one object and prosecuted for another. It was waged, in its commencement, against the right asserted by the parent country to tax the colonies. Then no one thought of absolute independence. The idea of independence was repelled. But the British government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved that independence. When nations are engaged in war, those rights in controversy, which are not acknowl-



edged by the treaty of peace, are abandoned. And who is prepared to say, that American seamen shall be surrendered as victims to the British principle of impressment? And, sir, what is this principle? She contends that she has a right to the services of her own subjects; and that, in the exercise of this right, she may lawfully impress them, even although she finds them in American vessels, upon the high seas, without her jurisdiction. Now I deny that she has any right, beyond her jurisdiction, to come on board our vessels, upon the high seas, for any other purpose than in the pursuit of enemies, or their goods, or goods contraband of war. But she further contends, that her subjects cannot renounce their allegiance to her, and contract a new obligation to other sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations at the same time admit and practise the right of naturalization. Great Britain herself does this. Great Britain, in the very case of foreign seamen, imposes, perhaps, fewer restraints upon naturalization than any other nation. Then, if subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly, that the sovereign having the possession of the subject, would have the right to the services of the subject. If he return within the jurisdiction of his primitive sovereign, he may resume his right to his services, of which the subject, by his own act, could not divest himself. But his primitive sovereign can have no right to go in quest of him, out of his own jurisdiction, into the jurisdiction of another sovereign, or upon the high seas, where there exists either no jurisdiction, or it is possessed by the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look; it is to her practice, no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she cannot exist without the impressment of HER seamen. The naked truth is, she comes, by her press-gangs, on board of our vessels, seizes OUR native as well as naturalized seamen, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and of a practice not conformable to the asserted principle—a principle which, if it were theoretically right, must be for ever practically wrong—a practice which can obtain countenance from no principle whatever, and to submit to which, on our

part, would betray the most abject degradation. We are told by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain—that, in particular, the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave—"Let the bearer, Mungo, pass and repass without molestation." What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature they must be liable to abuse on both sides. If Great Britain desires a mark by which she can know her own subjects, let her give them an ear mark. The colors that float from the mast head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule that all who sail under the flag, (not being enemies,) are protected by the flag. It is impossible that this country should ever abandon the gallant tars who have won for us such splendid trophies. Let me suppose that the Genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side, "Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceful means, to release you, but I cannot, my son, fight for you." If he did not consider this mere mockery, the poor tar would address her judgment and say, "You owe me, my country, protection; I owe you, in return, obedience. I am no British subject; I am a native of old Massachusetts, where live my aged father, my wife, my children. I have faithfully discharged my duty. Will you refuse to do yours?" Appealing to her passions, he would continue: "I lost this eye in fighting under Truxton, with the Insurgente; I got this scar before Tripoli; I broke this leg on board the Constitution, when the Guerriere struck." If she remained still unmoved, he would break out, in the accents of mingled distress and despair—

"Hard, hard is my fate! once I freedom enjoyed,

Was as happy as happy could be!

Oh! how hard is my fate, how galling these chains!"

I will not imagine the dreadful catastrophe to which he would be



driven, by an abandonment of him to his oppressor. It will not be, it cannot be, that this country will refuse him protection.

It is said that Great Britain has been always willing to make a satisfactory arrangement of the subject of impressment, and that Mr King had nearly concluded one prior to his departure from that country. Let us hear what that minister says, upon his return to America. In his letter dated at New-York, in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with Lords Hawkesbury and St. Vincent, and stating that, when he had supposed the terms of a convention were agreed upon, a new pretension was set up, (the *mare clausum*,) he concludes: "I regret not to have been able to put this business on a satisfactory footing, knowing as I do its very great importance to both parties; but I flatter myself that I have not misjudged the interests of our own country, in refusing to sanction a principle that might be productive of more extensive evils than those it was our aim to prevent." The sequel of his negotiation, on this affair, is more fully given in the recent conversation between Mr. Russell and Lord Castlereagh, communicated to Congress during its present session. Lord Castlereagh says to Mr. Russell:

"Indeed, there has evidently been much misapprehension on this subject, an erroneous belief entertained that an arrangement in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in Congress, I mean those who are opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American government. This error probably originated with Mr. King, for, being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the complaints of America in relation to impressment, into a supposed conviction, on their part, of the propriety of adopting the plan which he had proposed. But Lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangements on the subject, to be attended with formidable, if not insurmountable obstacles. This is obvious from a letter which his lordship addressed to Sir Wm. Scott at the time." Here Lord Castlereagh read a letter, contained in the records before him, in which Lord St. Vincent states to Sir Wm. Scott the zeal with which Mr. King has assailed him on the subject of impressment, confesses his own perplexity, and total incompetency to discover any practical project for the safe discontinuance of that practice, and asks for counsel and advice. "Thus you see," proceeded Lord Castlereagh, "that the confidence of Mr. King on this subject was entirely unfounded."

Thus it is apparent, that, at no time, has the enemy been willing to place this subject on a satisfactory footing. I will speak hereafter of the overtures made by the administration since the war.

The honorable gentleman from New York, (Mr. Bleecker,) in the

very sensible speech with which he favored the committee, made one observation which did not comport with his usual liberal and enlarged views. It was that those who are most interested against the practice of impressment, did not desire a continuance of the war on account of it, whilst those (the southern and western members) who had no interest in it, were the zealous advocates of American seamen. It was a provincial sentiment unworthy of that gentleman. It was one which, in a change of condition, he would not express, because I know he could not feel it. Does not that gentleman feel for the unhappy victims of the tomahawk in the western wilds, although his quarter of the Union may be exempted from similar barbarities? I am sure he does. If there be a description of rights which, more than any other, should unite all parties in all quarters of the Union, it is unquestionably the rights of the person. No matter what his vocation; whether he seeks subsistence amidst the dangers of the deep, or draws them from the bowels of the earth, or from the humblest occupations of mechanic life: whenever the sacred rights of an American freeman are assailed, all hearts ought to unite, and every arm should be braced to vindicate his cause.

The gentleman from Delaware sees in Canada no object worthy of conquest. According to him, it is a cold, sterile, and inhospitable region. And yet, such are the allurements which it offers, that the same gentleman apprehends that, if it be annexed to the United States, already too much weakened by an extension of territory, the people of New England will rush over the line and depopulate that section of the Union! That gentleman considers it honest to hold Canada as a kind of hostage; to regard it as a sort of bond for the good behavior of the enemy. But he will not enforce the bond. The actual conquest of that country would, according to him, make no impression upon the enemy, and yet, the very apprehension only of such a conquest would at all times have a powerful operation upon him! Other gentlemen consider the invasion of that country as wicked and unjustifiable. Its inhabitants are represented as harmless and unoffending; as connected with those of the bordering States by a thousand tender ties, interchanging acts of kindness, and all the offices of good neighborhood. Canada innocent! Canada unoffending! Is it not in Canada that the tomahawk of the savage has been moulded into its death-like form? Has it not been from Canadian magazines, Malden and others, that those supplies have



been issued which nourish and continue the Indian hostilities? supplies which have enabled the savage hordes to butcher the garrison of Chicago, and to commit other horrible excesses and murders? Was it not by the joint co-operation of Canadians and Indians that a remote American fort, Michilimackinac, was assailed and reduced, while in ignorance of a state of war? But, sir, how soon have the opposition changed their tone! When the administration was striving, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, they were for old-fashioned war. And now they have got old-fashioned war, their sensibilities are cruelly shocked, and all their sympathies lavished upon the harmless inhabitants of the adjoining provinces. What does a state of war present? The united energies of one people, arrayed against the combined energies of another—a conflict in which each party aims to inflict all the injury it can, by sea and land, upon the territories, property, and citizens of the other, subject only to the rules of mitigated war, practised by civilized nations. The gentleman would not touch the continental provinces of the enemy, nor, I presume, for the same reason, her possessions in the West Indies. The same humane spirit would spare the seamen and soldiers of the enemy. The sacred person of his majesty must not be attacked, for the learned gentlemen on the other side are quite familiar with the maxim, that the king can do no wrong. Indeed, sir, I know of no person on whom we may make war, upon the principles of the honorable gentlemen, but Mr. Stephen, the celebrated author of the orders in council, or the board of admiralty, who authorize and regulate the practice of impressment!

The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements by land have been less splendid than those of our intrepid seamen by water, it is not because the American soldier is less brave. On the one element organization, discipline, and a thorough knowledge of their duties exist, on the part of the officers and their men. On the other, almost every thing is yet to be acquired. We have, however, the consolation that our country abounds with the richest materials, and that in no instance when engaged in action have our arms been tarnished. At Brownstown and at Queenstown the valor of veterans was displayed, and acts of the noblest heroism were performed. It is true, that the disgrace of Detroit remains to be wiped off. That is a subject on which I cannot trust my feelings; it is not fitting I should

speak of it. But this much I will say, it was an event which no human foresight could have anticipated, and for which the administration cannot be justly censured. It was the parent of all the misfortunes we have experienced on land. But for it the Indian war would have been in a great measure prevented or terminated; the ascendancy on Lake Erie acquired, and the war pushed on perhaps to Montreal. With the exception of that event, the war, even upon the land, has been attended by a series of the most brilliant exploits, which, whatever interest they may inspire on this side of the mountains, have given the greatest pleasure on the other. The expedition under the command of Governor Edwards and Colonel Russel, to Lake Peoria, on the Illinois, was completely successful. So was that of Captain Craig, who it is said ascended that river still higher. General Hopkins destroyed the prophet's town. We have just received intelligence of the gallant enterprise of Colonel Campbell. In short, sir, the Indian towns have been swept from the mouth to the source of the Wabash, and a hostile country has been penetrated far beyond the most daring incursions of any campaign during the former Indian war. Never was more cool, deliberate bravery displayed than that by Newman's party from Georgia. And the capture of the Detroit, and the destruction of the Caledonia, (whether placed to a maritime or land account,) for judgment, skill, and courage on the part of Lieutenant Elliott, have never been surpassed.

It is alledged that the elections in England are in favor of the ministry, and that those in this country are against the war. If in such a cause (saying nothing of the impurity of their elections) the people of that country have rallied round their government, it affords a salutary lesson to the people here, who at all hazards ought to support theirs, struggling as it is to maintain our just rights. But the people here have not been false to themselves; a great majority approve the war, as is evinced by the recent re-election of the Chief Magistrate. Suppose it were even true that an entire section of the Union were opposed to the war, that section being a minority, is the will of the majority to be relinquished? In that section the real strength of the opposition has been greatly exaggerated. Vermont has, by two successive expressions of her opinion, approved the declaration of war. In New Hampshire, parties are so nearly equi-poised, that out of thirty or thirty-five thousand votes, those who approved and are for supporting it, lost the election by only one



thousand or one thousand five hundred. In Massachusetts alone have they attained any considerable accession. If we come to New York, we shall find that other and local causes have influenced her elections.

What cause, Mr. Chairman, which existed for declaring the war has been removed? We sought indemnity for the past and security for the future. The Orders in Council are suspended, not revoked, no compensation for spoliation. Indian hostilities, which were before secretly instigated, are now openly encouraged; and the practice of impressment unremittently persevered in and insisted upon. Yet the administration has given the strongest demonstrations of its love of peace. On the twenty-ninth of June, less than ten days after the declaration of war, the Secretary of State writes to Mr. Russell, authorizing him to agree to an armistice, upon two conditions only, and what were they? That the orders in council should be repealed, and the practice of impressing American seamen cease, those already impressed being released. The proposition was for nothing more than a *real* truce; that the war should in fact cease on *both* sides. Again, on the twenty-seventh of July, one month later, anticipating a possible objection to these terms, reasonable as they were, Mr. Monroe empowers Mr. Russell to stipulate in general terms for an armistice, having only an informal understanding on these points. In return, the enemy is offered a prohibition of the employment of his seamen in our service, thus removing entirely all pretext for the practice of impressment. The very proposition which the gentleman from Connecticut (Mr. Pitkin) contends ought to be made, has been made. How are these pacific advances met by the other party? Rejected as absolutely inadmissible; cavils are indulged about the inadequacy of Mr. Russell's powers, and the want of an act of Congress is intimated. And yet the constant usage of nations I believe is, where the legislation of one party is necessary to carry into effect a given stipulation, to leave it to the contracting party to provide the requisite laws. If they fail to do so, it is a breach of good faith, and becomes the subject of subsequent remonstrance by the injured party. When Mr. Russell renews the overture, in what was intended as a more agreeable form to the British government, Lord Castlereagh is not content with a simple rejection, but clothes it in the language of insult. Afterwards, in conversation with Mr. Russell, the moderation of our government is misinterpreted and made the occasion of a

sneer, that we are tired of the war. The proposition of Admiral Warren is submitted in a spirit not more pacific. He is instructed, he tells us, to propose that the government of the United States shall instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territories of his majesty or the persons or property of his subjects. That small affair being settled, he is further authorized to arrange as to the revocation of the laws which interdict the commerce and ships of war of his majesty from the harbors and waters of the United States. This messenger of peace comes with one qualified concession in his pocket, not made to the justice of our demands, and is fully empowered to receive our homage, a contrite retraction of all our measures adopted against his master! And in default, he does not fail to assure us, the orders in council are to be forthwith revived. The administration, still anxious to terminate the war, suppresses the indignation which such a proposal ought to have created, and in its answer concludes by informing Admiral Warren, "that if there be no objection to an accommodation of the difference relating to impressment, in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding, *without the armistice*, to an immediate discussion and arrangement of an article on that subject." Thus it has left the door of negotiation unclosed, and it remains to be seen if the enemy will accept the invitation tendered to him. The honorable gentleman from North Carolina (Mr. Pearson) supposes, that if Congress would pass a law, prohibiting the employment of British seamen in our service, upon condition of a like prohibition on their part, and repeal the act of non-importation, peace would immediately follow. Sir, I have no doubt if such a law were to pass, with all the requisite solemnities, and the repeal to take place, Lord Castlereagh would laugh at our simplicity. No, sir, the administration has erred in the steps which it has taken to restore peace, but its error has been, not in doing too little, but in betraying too great a solicitude for that event. An honorable peace is attainable only by an efficient war. My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax. We are told that England is a proud and lofty nation,



which, disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for FREE TRADE AND SEAMEN'S RIGHTS.

[Mr. CLAY resigned his seat in Congress on the 19th of January, 1814, having been appointed by President Madison a Commissioner to proceed to Gottenburg (afterward changed to Ghent) to meet Commissioners from Great Britain to negotiate a Treaty of Peace. The thanks of the House were tendered him on his retirement, for his able and impartial discharge of the duties of Speaker: Yeas 144, Nays nine—scarcely a sixth of the Federalists voting against it in that period of the bitterest party spirit and the most excited political feelings. He returned thanks in a brief and feeling address.

Mr. CLAY repaired to Ghent, took a leading part in negotiating the Treaty,\* and returned amid the enthusiastic acclamations of the whole country. During his absence he had been unanimously re-elected to Congress, but, some doubts being started of the legality of that election, he was unanimously elected over again upon his return. On taking his seat, he was at once chosen Speaker, by 87 votes to 35 blanks and scattering; and again re-elected in 1818, by 140 votes to 6 for Gen. Samuel Smith, of Maryland, and again in 1819 by 148 to 7 scattering.]

\* The following anecdote of Mr. Clay at Ghent is worth repeating:

Being on a tour through the Netherlands, preparatory to the negotiation, Hon. Henry Goulbourn, one of the British Commissioners, procured and sent him a file of London papers, containing accounts of the Burning of Washington by the British troops, with a courteous epistle, stating that he presumed Mr. C. would be happy to receive the latest news from America. Mr. Clay returned his thanks for the civility, and in further acknowledgment enclosed to Mr. G. a later file of Paris papers, containing accounts of the defeat of Sir George Prevost at Plattsburgh, and the utter destruction of the British flotilla in the fight off that place!

## ON INTERNAL IMPROVEMENT.

IN THE HOUSE OF REPRESENTATIVES, MARCH 13, 1818.

[The subject of Internal Improvement, and of the aid which ought to be afforded it by the Federal Government, began deeply to agitate the public mind, soon after the close of our last War with Great Britain. New York commenced her gigantic undertaking, (as it then truly seemed,) and called upon Congress for assistance. Other sections also presented claims, and urged them with earnestness and force. A report in favor of appropriating the bonus paid for her charter by the United States Bank to this purpose, was made by a Select Committee. The general question being under discussion, Mr. CLAY addressed the House as follows:]

I HAVE been anxious to catch the eye of the Chairman for a few moments, to reply to some of the observations which have fallen from various gentlemen. I am aware that, in doing this, I risk the loss of what is of the utmost value—the kind favor of the House, wearied as its patience is by this prolonged debate. But when I feel what a deep interest the Union at large, and particularly that quarter of it whence I come, has in the decision of the present question, I cannot omit any opportunity of earnestly urging upon the House the propriety of retaining the important power which this question involves. It will be recollected, that if unfortunately there should be a majority both against the abstract proposition asserting the power, and against its practical execution, the power is gone for ever—the question is put at rest so long as the constitution remains as it is; and with respect to any amendment, in this particular, I confess I utterly despair. It will be borne in mind, that the bill which passed Congress on this subject, at the last session, was rejected by the late President of the United States; that at the commencement of the present session, the President communicated his clear opinion, after every effort to come to a different conclusion, that Congress does not possess the power contended for, and called upon us to take up the subject in the shape of an amendment to the Con-



stitution; and, moreover, that the predecessor of the present and late Presidents, has also intimated his opinion that Congress does not possess the power. With the great weight and authority of the opinions of these distinguished men against the power, and with the fact, solemnly entered upon the record, that this House, after a deliberate review of the ground taken by it at the last session, has decided against the existence of it, (if such, fatally, shall be the decision,) the power, I repeat, is gone—gone for ever, unless restored by an amendment of the constitution. With regard to the practicability of obtaining such an amendment, I think it altogether out of the question. Two different descriptions of persons, entertaining sentiments directly opposed, will unite and defeat such an amendment; one embracing those who believe that the constitution, fairly interpreted, already conveys the power, and the other, those who think that Congress has not and ought not to have it. As a large portion of Congress, and probably a majority, believes the power to exist, it must be evident, if I am right in supposing that any considerable number of that majority would vote against an amendment which they do not believe necessary, that any attempt to amend would fail. Considering, as I do, the existence of the power as of the first importance, not merely to the preservation of the Union of the States, paramount as that consideration ever should be over all others, but to the prosperity of every great interest of the country, agriculture, manufactures, commerce, in peace and in war, it becomes us solemnly, and deliberately, and anxiously to examine the constitution, and not to surrender it, if fairly to be collected from a just interpretation of that instrument.

With regard to the alarm sought to be created as to the nature of the power, by bringing up the old theme of "State Rights," I would observe, that if the illustrious persons just referred to are against us in the construction of the constitution, they are on our side as to the harmless and beneficial character of the power. For it is not to be conceived that each of them would have recommended an amendment to the constitution, if they believed that the possession of such a power, by the General Government, would be detrimental, much less dangerous, to the independence and liberties of the States. What real ground is there for this alarm? Gentlemen have not condescended to show how the subversion of the rights of the States is to follow from the exercise of the power of internal im-

provements by the General Government. We contend for the power to make roads and canals, to distribute the intelligence, force, and productions of the country through all its parts; and for such jurisdiction only over them as is necessary to their preservation from wanton injury and from gradual decay. Suppose such a power is sustained and in full operation; imagine it to extend to every canal made, or proposed to be made, and to every post-road, how inconsiderable and insignificant is the power in a political point of view, limited as it is with regard to place and to purpose, when contrasted with the great mass of powers retained by the state sovereignties! What a small subtraction from the mass! Even upon these roads and canals, the state governments, according to our principles, will still exercise jurisdiction over every possible case arising upon them, whether of crime or of contract, or any other human transaction, except only what immediately affects their existence and preservation. Thus defined, thus limited, and striped of all factitious causes of alarm, I will appeal to the candor of gentlemen to say if the power really presents any thing frightful in it? With respect to post-roads, our adversaries admit the right of way in the general government. There have been, however, on this question, some instances of conflict, but they have passed away without any serious difficulty. Connecticut, if I have been rightly informed, disputed, at one period, the right of passage of the mail on the Sabbath. The general government persisted in the exercise of the right, and Connecticut herself and every body else, have acquiesced in it.

The gentleman from Virginia (Mr. H. Nelson) has contended that I do not adhere, in the principles of construction which I apply to the constitution, to the republican doctrines of 1798, of which that gentleman would have us believe he is the constant disciple. Let me call the attention of the committee to the celebrated state paper to which we both refer for our principles in this respect—a paper which, although I have not seen it for sixteen years, (until the gentleman had the politeness to furnish me with it during this debate,) made such an impression on my mind, that I shall never forget the satisfaction with which I perused it. I find that I have used, without having been aware of it, when I formerly addressed the committee, almost the same identical language employed by Mr. Madison in that paper. It will be recollected that I claimed no right to exercise any power under the constitution, unless such power was ex-



pressly granted, or necessary and proper to carry into effect some granted power. I have not sought to derive power from the clause which authorizes Congress to appropriate money. I have been contented with endeavoring to show, that according to the doctrines of 1798, and according to the most rigid interpretation which any one will put upon the instrument, it is expressly given in one case, and fairly deducible in others.

[Here Mr. Clay read sundry passages from Mr. Madison's report to the Virginia legislature, in an answer to the resolutions of several States, concerning the Alien and Sedition laws, showing that there were no powers in the general government but what were granted, and that, whenever a power was claimed to be exercised by it, such power must be shown to be granted, or to be necessary and proper to carry into effect one of the specified powers.]

It will be remarked, that Mr. Madison, in his reasoning on the constitution, has not employed the language fashionable during this debate; he has not said that an implied power must be *absolutely* necessary to carry into effect the specified power, to which it is appurtenant, to enable the general government to exercise it. No! This was a modern interpretation of the constitution. Mr. Madison has employed the language of the instrument itself, and has only contended that the implied power must be necessary and proper to carry into effect the specified power. He has only insisted that when Congress applied its sound judgment to the constitution in relation to implied powers, it should be clearly seen that they were necessary and proper to effectuate the specified powers. These are my principles; but they are not those of the gentleman from Virginia and his friends on this occasion. They contend for a degree of necessity absolute and indispensable; that by no possibility can the power be otherwise executed.

That there are two classes of powers in the constitution, I believe has never been controverted by an American politician. We cannot foresee and provide specifically for all contingencies. Man and his language are both imperfect. Hence the existence of construction and of constructive powers. Hence also the rule that a grant of the end is a grant of the means. If you amend the constitution a thousand times, the same imperfection of our nature and our language will attend our new works. There are two dangers to which we are exposed. The one is, that the general government may relapse into the debility which existed in the old confederation,

and finally dissolve from the want of cohesion. The denial to it of powers plainly conferred, or clearly necessary and proper to execute the conferred powers, may produce this effect. And I think, with great deference to the gentlemen on the other side, this is the danger to which their principles directly tend. The other danger, that of consolidation, is, by the assumption of powers not granted nor incident to granted powers, or the assumption of powers which have been withheld or expressly prohibited. This was the danger of the period of 1798-9. For instance, that in direct contradiction to a prohibitory clause of the constitution, a sedition act was passed; and an alien law was also passed, in equal violation of the spirit, if not of the express provisions of the constitution. It was by such measures that the Federal party, (if parties might be named,) throwing off the veil, furnished to their adversaries the most effectual ground of opposition. If they had not passed those acts, I think it highly probable that the current of power would have continued to flow in the same channel; and the change of parties in 1801, so auspicious to the best interests of the country, as I believe, would never have occurred.

I beg the committee—I entreat the true friends of the confederated union of these States, to examine this doctrine of State rights, and see to what abusive, if not dangerous consequences, it may lead, to what extent it has been carried, and how it has varied by the same State at different times. In alluding to the State of Massachusetts, I assure the gentlemen from that State, and particularly the honorable chairman of the committee to whom the claim of Massachusetts has been referred, that I have no intention to create any prejudice against that claim. I hope that when the subject is taken up, it will be candidly and dispassionately considered, and that a decision will be made on it consistent with the rights of the Union, and of the State of Massachusetts. The high character, amiable disposition, and urbanity of the gentleman to whom I have alluded, (Mr. Mason of Massachusetts,) will, if I had been otherwise inclined, prevent me from endeavoring to make impressions unfavorable to the claim whose justice that gentleman stands pledged to manifest. But in the period of 1798-9, what was the doctrine promulgated by Massachusetts? It was that the States in their sovereign capacity had no right to examine into the constitutionality or expediency of the measures of the general government.



[Mr. Clay here quoted several passages from the answer of the State of Massachusetts to the Virginia and Kentucky resolutions, concerning the Alien and Sedition laws, to prove his position.]

We see here an express disclaimer on the part of Massachusetts of any right to decide on the constitutionality, or expediency of the acts of the general government. But what was the doctrine which the same State, in 1813, thought proper to proclaim to the world, and that, too, when the Union was menaced on all sides? She not only claimed, but exercised the right which in 1799 she had so solemnly disavowed. She claimed the right to judge of the propriety of the call made by the general government for her militia, and she refused the militia called for. There is so much plausibility in the reasoning employed by that State in support of her modern doctrine of State rights, that, were it not for the unpopularity of the stand she took in the late war, or had it been in other times, and under other circumstances, she would very probably have escaped a great portion of that odium which has so justly fallen to her lot. The constitution gives to Congress power to provide for calling out the militia to execute the laws of the Union, to suppress insurrections, and to repel invasions; and in no other cases. The militia was called out by the general government, during the late war, to repel invasion. Massachusetts said, as you have no right to the militia, but in certain contingencies, she was competent to decide whether those contingencies had or had not occurred. And, having examined the facts, what then? She said all was peace and quietness in Massachusetts. No non-execution of the laws—no insurrection at home—no invasion from abroad, nor any immediate danger of invasion. And, in truth, I believe there was no actual invasion for nearly two years after the requisition. Under these circumstances, were it not for the supposed motive of her conduct, would not the case which Massachusetts made out have looked extremely plausible? I hope it is not necessary for me to say, that it is very far from my intention to convey any thing like approbation of the conduct of Massachusetts. No! My doctrine is that the States, as States, have no right to oppose the execution of the powers which the general government asserts. Any State has undoubtedly the right to express its opinion, in the form of resolution or otherwise, and to proceed, by constitutional means, to redress any real or imaginary grievance; but it has no right to withhold its military aid, when called upon by the high authorities of the general government, much less to obstruct the execution of a law regularly passed. To

suppose the existence of such an alarming right, is to suppose, if not disunion itself, such a state of disorder and confusion, as must inevitably lead to it.

Greatly as I venerate the State which gave me birth, and much as I respect the judges of its Supreme Court, several of whom are my personal friends, I am obliged to think that some of the doctrines which that State has recently held concerning State rights, are fraught with much danger. If those doctrines had been asserted during the late war, a large share of the public disapprobation which has been given to Massachusetts would have fallen to Virginia. What are these doctrines? The courts of Virginia assert that they have a right to determine on the constitutionality of any law or treaty of the United States, and to expound them according to their own views, even if they should vary from the decision of the Supreme Court of the United States. They assert more—that from their decision there can be no appeal to the Supreme Court of the United States; and that there exists in Congress no power to frame a law, obliging the court of the State, in the last resort, to submit its decision to the supervision of the Supreme Court of the United States; or, if I do not misunderstand the doctrine, to withdraw from the State tribunal controversies involving the laws of the United States, and to place them before the federal judiciary. I am a friend, a true friend, to State rights; but not in all cases as they are asserted. The States have their appointed orbit; so has the Union; and each should be confined within its fair, legitimate, and constitutional sphere. We should equally avoid that subtle process of argument which dissipates into air the powers of this government, and that spirit of encroachment which would snatch from the State powers not delegated to the general government. We shall thus escape both the dangers I have noticed—that of relapsing into the alarming weakness of the confederation, which is described as a mere rope of sand; and also that other, perhaps not the greatest danger, consolidation. No man deprecates more than I do, the idea of consolidation; yet between separation and consolidation, painful as would be the alternative, I would greatly prefer the latter.

I will now proceed to endeavor to discover the real difference, in the interpretation of the constitution, between the gentlemen on the other side and myself. It is agreed that there is no power in the general government but that which is expressly granted, or which is



impliable from an express grant. The difference then must be in the application of this rule. The gentleman from Virginia, who has favored the house with so able an argument on the subject, has conceded though somewhat reluctantly, the existence of incidental powers, but he contended that they must have a direct and necessary relation to some specified power. Granted. But who is to judge of this relation? And what rule can you prescribe different from that which the constitution has required, that it should be necessary and proper? Whatever may be the rule, in whatever language you may choose to express it, there must be a certain degree of discretion left to the agent who is to apply it. But gentlemen are alarmed at this discretion; that law of tyrants, on which they contend there is no limitation. It should be observed, in the first place, that the gentlemen are brought, by the very course of reasoning which they themselves employ, by all the rules which they would lay down for the constitution, to cases where discretion must exist. But is there no limitation, no security against the abuse of it? Yes, there is such security in the fact of our being members of the same society, equally affected ourselves by the laws we promulgate. There is the further security in the oath which is taken to support the constitution, and which will tend to restrain Congress from deriving powers which are not proper and necessary. There is the yet further security, that, at the end of every two years, the members must be amenable to the people for the manner in which their trusts have been performed. And there remains also that further, though awful security, the last resort of society, which I contend belongs alike to the people and to the States in their sovereign capacity, to be exercised in extreme cases, and when oppression becomes intolerable, the right of resistance. Take the gentleman's own doctrine, (Mr. Barbour,) the most restricted which has been asserted, and what other securities have we against the abuse of power, than those which I have enumerated? Say that there must be an absolute necessity to justify the exercise of an implied power, who is to define that absolute necessity, and then to apply it? Who is to be the judge? Where is the security against transcending that limit? The rule the gentleman contends for has no greater security than that insisted upon by us. It equally leads to the same discretion, a sound discretion, exercised under all the responsibility of a solemn oath, of a regard to our fair fame, of a knowledge that we are ourselves the subjects of those laws which we pass, and lastly, of the right of resisting insupportable tyranny

And, by way of illustration, if the sedition act had not been condemned by the indignant voice of the community, the right of resistance would have accrued. If Congress assumed the power to control the right of speech, and to assail, by penal statutes, the greatest of all the bulwarks of liberty, the freedom of the press, and there were no other means to arrest their progress, but that to which I have referred, lamentable as would be the appeal, such a monstrous abuse of power, I contend, would authorize a recurrence to that right.

If, then, the gentlemen on the other side and myself differ so little in our general principles, as I think I have shown, I will proceed, for a few moments, to look at the constitution a little more in detail. I have contended that the power to construct post-roads is expressly granted in the power to establish post-roads. If it be, there is an end of the controversy; but if not, the next inquiry is, whether that power may be fairly deduced, by implication, from any of the special grants of power. To show that the power is expressly granted, I might safely appeal to the arguments already used, to prove that the words establish, in this case, can mean only one thing—the right of making. Several gentlemen have contended that the word has a different sense; and one has resorted to the preamble of the constitution to show that the phrase “to establish justice,” there used, does not convey the power of creation. If the word “establish” is there to be taken in the sense which gentlemen claim for it, that of adoption or designation, Congress could have a choice only of systems of justice pre-existing. Will any gentleman contend that we are obliged to take the Justinian code, the Napoleon code, the code of civil, or the code of common or cannon law? Establishment means in the preamble, as in other cases, construction, formation, creation. Let me ask, in all cases of crime, which are merely *malum prohibitum*, if you do not resort to construction, to creating, when you make the offence? By your laws denouncing certain acts as criminal offences, laws which the good of society requires you to pass, and to adapt to our peculiar condition, you do construct and create a system of rules, to be administered by the judiciary. But gentlemen say that the word cannot mean *make*; that you would not say, for example, to establish a ship, to establish a chair. In the application of this, as of all other terms, you must be guided by the nature of the subject; and if it cannot properly be used in all cases, it does not follow that



it cannot be in any. And when we take into consideration, that under the old articles of confederation, Congress had over the subject of post-roads just as much power as gentlemen allow to the existing government, that it was the general scope and spirit of the new constitution to enlarge the powers of the general government, and that, in fact, in this very clause, the power to establish post-offices, which was alone possessed by the former government, I think that I may safely consider the argument, on this part of the subject, as successfully maintained. With respect to military roads, the concession that they may be made when called for by the emergency, is admitting that the constitution conveys the power. And we may safely appeal to the judgment of the candid and enlightened, to decide between the wisdom of these two constructions, of which one requires you to wait for the exercise of your power until the arrival of an emergency, which may not allow you to exert it, and the other, without denying you the power, if you can exercise it during the emergency, claims the right of providing beforehand against the emergency.

One member has stated what appeared to him a conclusive argument against the power to cut canals, that he had understood that a proposition, made in the convention to insert such a power, was rejected. To this argument more than one sufficient answer can be made. In the first place, the fact itself has been denied, and I have never yet seen any evidence of it. But, suppose that the proposition had been made and overruled, unless the motives of the refusal to insert it are known, gentlemen are not authorized to draw the inference that it was from hostility to the power, or from a desire to withhold it from Congress. May not one of the objections be, that the power was fairly to be inferred from some of the specific grants of power, and that it was therefore not necessary to insert the proposition; that to adopt it, indeed, might lead to weaken or bring into doubt other incidental powers not enumerated? A member from New York, (Mr. Storrs,) whose absence I regret on this occasion, not only on account of the great aid which might have been expected from him, but from the cause of that absence, has informed me that, in the convention of that State, one of the objections to the constitution by the anti-federalists was, that it was understood to convey to the general government the power to cut canals. How often, in the course of the proceedings of this House, do we reject amendments,

upon the sole ground that they are not necessary, the principle of the amendment being already contained in the proposition.

I refer to the *Federalist*, for one moment, to show that the only notice taken of that clause of the constitution which relates to post-roads, is favorable to my construction. The power, that book says, must always be a harmless one. I have endeavored to show, not only that it is perfectly harmless, but that every exercise of it must be necessarily beneficial. Nothing which tends to facilitate intercourse among the States, says the *Federalist*, can be unworthy of the public care. What intercourse? Even if restricted on the narrowest theory of gentlemen on the other side, to the intercourse of intelligence, they deny that to us, since they will not admit that we have the power to repair or improve the way, the right of which they yield us. In a more liberal and enlarged sense of the word, it will comprehend all those various means of accomplishing the object, which are calculated to render us a homogeneous people—one in feeling, in interest, and affection; as we are one in our political relation.

Is there not a direct and intimate relation between the power to make war, and military roads and canals? It is in vain that the convention have confided to the general government the tremendous power of declaring war—have imposed upon it the duty to employ the whole physical means of the nation to render the war, whatever may be its character, successful and glorious if the power is withheld of transporting and distributing those means. Let us appeal to facts, which are sometimes worth volumes of theory. We have recently had a war raging on all the four quarters of the Union. The only circumstance which gave me pain at the close of that war, the detention of Moose Island, would not have occurred, if we had possessed military roads. Why did not the Union—why did not Massachusetts make a struggle to re-conquer the Island? Not for the want of men; not for the want of patriotism, I hope; but from the want of physical ability to march a force sufficient to dislodge the enemy. On the north-western frontier, millions of money, and some of the most precious blood of the State from which I have the honor to come, was wastefully expended for the want of such roads. My honorable friend from Ohio, (Gen. Harrison,) who commanded the army in that quarter, could furnish a volume of evidence on this



subject What now paralyzes our arms on the southern frontier, and occasioned the recent massacre of fifty of our brave soldiers? What but the want of proper means for the communication of intelligence, and for the transportation of our resources from point to point? Whether we refer to our own experience, or to that of other countries, we cannot fail to perceive the great value of military roads. Those great masters of the world, the Romans, how did they sustain their power so many centuries, diffusing law and liberty, and intelligence all around them? They made permanent military roads; and among the objects of interest which Europe now presents, are the remains of those Roman roads, which are shown to the curious inquirer. If there were no other monument remaining of the sagacity and of the illustrious deeds of the unfortunate captive of St. Helena, the internal improvements which he made, the road from Hamburgh to Basle, would perpetuate his memory to future ages. In making these allusions, let me not be misunderstood. I do not desire to see military roads established for the purpose of conquest, but of defence; and as a part of that preparation which should be made in a season of peace for a season of war, I do not wish to see this country ever in that complete state of preparation for war, for which some contend; that is, that we should constantly have a large standing army, well disciplined, and always ready to act. I want to see the bill, reported by my friend from Ohio, or some other, embracing an effective militia system, passed into a law; and a chain of roads and canals, by the aid of which our physical means can be promptly transported to any required point. These, connected with a small military establishment to keep up our forts and garrisons, constitute the kind of preparation for war, which, it appears to me, this country ought to make. No man, who has paid the least attention to the operations of modern war, can have failed to remark how essential good roads and canals are to the success of those operations. How often have battles been won by celerity and rapidity of movement! It is one of the most essential circumstances in war. But, without good roads, it is impossible. Members will recall to their recollection the fact, that, in the Senate, several years ago, an honorable friend of mine, (Mr. Bayard,) whose premature death I shall ever deplore—who was an ornament to the councils of his country; and who, when abroad, was the able and fearless advocate of her rights—did, in supporting a subscription which he proposed the United States Bank should make to the stock of the Delaware and

Chesapeake Canal Company, earnestly recommend the measure as connected with our operations in war. I listened to my friend with some incredulity, and thought he pushed his argument too far. I had, soon after, a practical evidence of its justness. For, in travelling from Philadelphia, in the fall of 1813, I saw transporting, by government, from Elk river to the Delaware, large quantities of massy timbers for the construction of the Guerriere or the Franklin, or both; and, judging from the number of wagons and horses, and the number of days employed, I believe the additional expense of that single operation would have gone very far to complete that canal, whose cause was espoused with so much eloquence in the Senate, and with so much effect, too, bills having passed that body more than once to give aid, in some shape or other, to that canal. With notorious facts like this, is it not obvious that a line of military canals is not only necessary and proper, but almost indispensable to the war-making power?

One of the rules of construction which has been laid down, I acknowledge my incapacity to comprehend. Gentlemen say that the power in question is a substantive power; and that no substantive power can be derived by implication. What is their definition of a substantive power? Will they favor us with the principle of discrimination between powers which, being substantive, are not grantable but by express grant, and those which, not being substantive, may be conveyed by implication? Although I do not perceive why this power is more entitled than many implied powers to the denomination of substantive, suppose that be yielded, how do gentlemen prove that it may not be conveyed by implication? If the positions were maintained, which have not yet been proven, that the power is substantive, and that no substantive power can be implied, yet I trust it has been satisfactorily shown that there is an express grant.

My honorable friend from Virginia (Mr. Nelson) has denied the operation of executive influence on his mind; and has informed the committee that from that quarter he has nothing to expect, to hope, or to fear. I did not impute to my honorable friend any such motive; I knew his independence of character and of mind too well to do so. But I entreat him to reflect, if he does not expose himself to such an imputation by those less friendly disposed towards him than myself. Let us look a little at facts. The President recommends the estab-



lishment of a Bank. If ever there were a stretch of implied powers conveyed by the constitution, it has been thought that the grant of the charter of the National Bank was one. But the President recommends it. Where was then my honorable friend, the friend of State rights, who so pathetically calls upon us to repent, in sackcloth and ashes, our meditated violation of the constitution; and who kindly expresses his hope that we shall be made to feel the public indignation? Where was he at that awful epoch? Where was that eloquent tongue which we have now heard with so much pleasure? Silent! Silent as the grave!

[Mr. N. said, across the House, that he had voted against the Bank bill when first recommended.]

Alas! my honorable friend had not the heart to withstand a second recommendation from the President; but, when it came, yielded, no doubt most reluctantly, to the executive wishes, and voted for the Bank. At the last session of Congress, Mr. Madison recommended (and I will presently make some remarks on that subject) an exercise of all the existing powers of the general government to establish a comprehensive system of internal improvements. Where was my honorable friend on that occasion? Not silent as the grave, but he gave a negative vote almost as silent. No effort was made on his part, great as he is when he exerts the powers of his well-stored mind, to save the commonwealth from that greatest of all calamities, a system of internal improvement. No, although a war with all the allies, he now thinks, would be less terrible than the adoption of this report, not one word then dropped from his lips against the measure.

[Mr. Nelson said he voted against the bill.]

That he whispered out an unwilling negative, I do not deny! but it was unsustained by that torrent of eloquence which he has poured out on the present occasion. But we have an executive message *now*, not quite as ambiguous in its terms, nor as oracular in its meaning, as that of Mr. Madison appears to have been. No! the President now says, that he has made great efforts to vanquish his objections to the power, and that he cannot but believe that it does not exist. Then my honorable friend rouses, thunders forth the danger in which the constitution is, and sounds the tocsin of alarm. Far from insinuating that he is at all biased by the executive wishes, I appeal to his can-

dor to say, if there is not a remarkable coincidence between his zeal and exertions, and the opinions of the chief magistrate?

Now let us review those opinions, as communicated at different periods. It was the opinion of Mr. Jefferson, that, although there was no general power vested, by the constitution, in Congress to construct roads and canals, without the consent of the States, yet such a power might be exercised with their assent. Mr. Jefferson not only held this opinion in the abstract, but he practically executed it in the instance of the Cumberland road; and how? First by a compact made with the State of Ohio, for the application of a specified fund, and then by compacts with Virginia, Pennsylvania, and Maryland, to apply the fund so set apart within their respective limits. If, however, I rightly understood my honorable friend the other day, he expressly denied (and in that I concur with him) that the power could be acquired by the mere consent of the State. Yet he defended the act of Mr. Jefferson, in the case referred to.

[Mr. Nelson expressed his dissent to this statement of his argument.]

It is far from my intention to misstate the gentleman. I certainly understood him to say, that, as the road was first stipulated for in the compact with Ohio, it was competent afterwards to carry it through the States mentioned, with their assent. Now, if we have not the right to make a road in virtue of one compact made with a single State, can we obtain it by two contracts made with several States? The character of the fund cannot affect the question. It is totally immaterial whether it arises from the sales of the public lands or from the general revenue. Suppose a contract made with Massachusetts, that a certain portion of the revenue, collected at the port of Boston from foreign trade, should be expended in making roads and canals leading to that State, and that a subsequent compact should be made with Connecticut or New Hampshire, for the expenditure of the fund on these objects, within their limits. Can we acquire the power, in this manner, over internal improvements, if we do not possess it independently of such compacts? I conceive, clearly not. And I am entirely at a loss to comprehend how gentlemen, consistently with their own principles, can justify the erection of the Cumberland road. No man is prouder than I am of that noble monument of the provident care of the nation, and of the public spirit of its pro-



jectors; and I trust that, in spite of all constitutional and other scruples, here or elsewhere, an appropriation will be made to complete that road. I confess, however, freely, that I am entirely unable to conceive of any principle on which that road can be supported that would not uphold the general power contended for.

I will now examine the opinion of Mr. Madison. Of all the acts of that pure, virtuous, and illustrious statesman, whose administration has so powerfully tended to advance the glory, honor, and prosperity of this country, I most regret, for his sake and for the sake of the country, the rejection of the bill of the last session. I think it irreconcilable with Mr. Madison's own principles—those great, broad, and liberal principles on which he so ably administered the government. And, sir, when I appeal to the members of the last Congress, who are now in my hearing, I am authorized to say, with regard to the majority of them, that no circumstance, not even an earthquake that should have swallowed up one-half of this city, could have excited more surprise than when it was first communicated to this House, that Mr. Madison had rejected his own bill—I say his own bill, for his message at the opening of the session meant nothing, if it did not recommend such an exercise of power as was contained in that bill. My friend, who is near me, (Mr. Johnson, of Virginia,) the operations of whose vigorous and independent mind depend upon his own internal perceptions, has expressed himself with becoming manliness, and thrown aside the authority of names, as having no bearing with him on the question. But their authority has been referred to, and will have influence with others. It is impossible, moreover, to disguise the fact, that the question is now a question between the Executive on the one side, and the Representatives of the people on the other. So it is understood in the country, and such is the fact. Mr. Madison enjoys, in his retreat at Montpelier, the repose and the honors due to his eminent and laborious services; and I would be among the last to disturb it. However painful it is to me to animadvert upon any of his opinions, I feel perfectly sure that the circumstance can only be viewed by him with an enlightened liberality. What are the opinions which have been expressed by Mr. Madison on this subject? I will not refer to all the messages wherein he has recommended internal improvements; but to that alone which he addressed to Congress at the commencement of the last session, which contains this passage:

"I particularly invite *again* the attention of Congress to the expediency of exercising *their existing powers*, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to *effectuate a comprehensive system of roads and canals*, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity."

In the examination of this passage, two positions force themselves upon our attention. The first is, the assertion that there are existing powers in Congress to effectuate a comprehensive system of roads and canals, the effect of which would be to draw the different parts of the country more closely together. And I would candidly admit, in the second place, that it was intimated, that, in the exercise of those existing powers, some defect might be discovered which would render an amendment of the constitution necessary. Nothing could be more clearly affirmed than the first position; but in the message of Mr. Madison returning the bill, passed in consequence of his recommendation, he has not specified a solitary case to which those existing powers are applicable; he has not told us what he meant by those existing powers; and the general scope of his reasoning, in that message, if well founded, proves that there are no existing powers whatever. It is apparent that Mr. Madison himself has not examined some of those principal sources of the constitution from which, during this debate, the power has been derived. I deeply regret, and I know that Mr. Madison regretted, that the circumstances under which the bill was presented to him, (the last day but one of a most busy session,) deprived him of an opportunity of that thorough investigation of which no man is more capable. It is certain, that, taking his two messages at the same session together, they are perfectly irreconcilable. What, moreover, was the nature of that bill? It did not apply the money to any specific object of internal improvement, nor designate any particular mode in which it should be applied; but merely set apart and pledged the fund to the general purpose, subject to the future disposition of Congress. If, then, there were any supposable case whatever, to which Congress might apply money in the erection of a road, or cutting a canal, the bill did not violate the constitution. And it ought not to have been anticipated, that money constitutionally appropriated by one Congress would be unconstitutionally expended by another.

I come now to the message of Mr. Monroe; and if, by the communication of his opinion to Congress, he intended to prevent discussion,



he has most wofully failed. I know that, according to a most venerable and excellent usage, the opinion, neither of the President nor of the Senate, upon any proposition depending in this House, ought to be adverted to. Even in the Parliament of Great Britain, a member who would refer to the opinion of the sovereign, in such a case, would be instantly called to order; but under the extraordinary circumstances of the President having, with, I have no doubt, the best motives, volunteered his opinion on this head, and inverted the order of legislation by beginning where it should end, I am compelled, most reluctantly, to refer to that opinion. I cannot but deprecate the practice of which the President has, in this instance, set the example to his successors. The constitutional order of legislation supposes that every bill originating in one House, shall be there deliberately investigated, without influence from any other branch of the legislature; and then remitted to the other house for a like free and unbiased consideration. Having passed both houses, it is to be laid before the President; signed if approved, and if disapproved, to be returned, with his objections, to the originating house. In this manner, entire freedom of thought and of action is secured, and the President finally sees the proposition in the most matured form which Congress can give to it. The practical effect, to say no more, of forestalling the legislative opinion, and telling us what we may or may not do, will be to deprive the President himself of the opportunity of considering a proposition so matured, and us of the benefit of his reasoning applied specifically to such proposition. For the constitution further enjoins it upon him to state his objections upon returning the bill. The originating house is then to re-consider it, and deliberately to weigh those objections; and it is further required, when the question is again taken, shall the bill pass, those objections notwithstanding? that the votes shall be solemnly spread, by ayes and noes, upon the record. Of this opportunity of thus recording our opinions, in matters of great public concern, we are deprived, if we submit to the innovation of the President. I will not press this part of the subject further. I repeat, again and again, that I have no doubt but that the President was actuated by the purest motives. I am compelled, however, in the exercise of that freedom of opinion which, so long as I exist I will maintain, to say that the proceeding is irregular and unconstitutional. Let us, however, examine the reasoning and opinion of the President.

"A difference of opinion has existed from the first formation of our constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish a system of internal improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required, and the result is, a settled conviction in my mind that Congress does not possess the right. It is not contained in any of the specified powers granted to Congress; nor can I consider it incidental to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel, to suggest to Congress the propriety of recommending to the States the adoption of an amendment to the constitution, which shall give the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of power. We may confidently rely, that, if it appears to their satisfaction that the power is necessary, it will always be granted."

In this passage the President has furnished us with no reasoning, no argument in support of his opinion—nothing addressed to the understanding. He gives us, indeed, an historical account of the operations of his own mind, and he asserts that he has made a laborious effort to conquer his early impressions, but that the result is a settled conviction against the power, without a single reason. In his position, that the power must be specifically granted, or incident to a power so granted, it has been seen that I have the honor to entirely concur with him; but, he says the power is not among the specified powers. Has he taken into consideration the clause respecting post-roads, and told us how and why that does not convey the power? If he had acted within what I conceive to be his constitutional sphere of rejecting the bill, after it had passed both houses, he must have learned that great stress was placed on that clause, and we should have been enlightened by his comments upon it. As to his denial of the power, as an incident to any of the express grants, I would have thought that we might have safely appealed to the experience of the President, during the late war, when the country derived so much benefit from his judicious administration of the duties of the war department, whether roads and canals for military purposes were not essential to celerity and successful result in the operations of armies. This part of the message is all assertion, and contains no argument which I can comprehend, or which meet the points contended for during this debate. Allow me here to say, and I do it without the least disrespect to that branch of the government, on whose opinions and acts it has been rendered my painful duty to comment; let me say, in reference to any man, however elevated his station, even if he be endowed with the power and prerogatives of a sovereign, that his acts are worth infinitely more, and are more intelligible, than mere

paper sentiments or declarations. And what have been the acts of the President? During his tour of the last summer, did he not order a road to be cut or repaired from near Plattsburgh to the St. Lawrence? My honorable friend will excuse me, if my comprehension is too dull to perceive the force of that argument which seeks to draw a distinction between repairing an old and making a new road.

[Mr. Nelson said he had not drawn that distinction, having only stated the fact.]

Certainly, no such distinction is to be found in the constitution or exists in reason. Grant, however, the power of reparation, and we will make it do. We will take the post-roads, sinuous as they are, and put them in a condition to enable the mails to pass, without those mortifying delays and disappointments, to which we, at least in the west, are so often liable. The President, then, ordered a road of considerable extent to be constructed or repaired, on his sole authority, in a time of profound peace, when no enemy threatened the country, and when, in relation to the power as to which alone that road could be useful in time of war, there exists the best understanding, and a prospect of lasting friendship, greater than at any other period. On his sole authority the President acted, and we are already called upon by the chairman of the committee of ways and means to sanction the act by an appropriation. This measure has been taken, too, without the consent of the State of New York; and what is wonderful, when we consider the magnitude of the State rights which are said to be violated, without even a protest on the part of that State against it. On the contrary, I understand, from some of the military officers who are charged with the execution of the work, what is very extraordinary, that the people through whose quarter of the country the road passes, do not view it as a national calamity; that they would be very glad that the President would visit them often, and that he would order a road to be cut and improved, at the national expense, every time he should visit them. Other roads, in other parts of the Union, have, it seems, been likewise ordered, or their execution, at the public expense, sanctioned by the executive, without the concurrence of Congress. If the President has the power to cause these public improvements to be executed at his pleasure, whence is it derived? If any member will stand up in this place and say the President is clothed with this authority, and that it is denied to Congress, let us hear from him; and let him point to the clause of the constitution which vests it in the executive and withholds it from the legislative branch.

There is no such clause; there is no such exclusive executive power. The power is derivable by the executive only from those provisions of the constitution which charge him with the duties of commanding the physical force of the country, and the employment of that force in war, and the preservation of the public tranquillity, and in the execution of the laws. But Congress has paramount power to the President. It alone can declare war, can raise armies, can provide for calling out the militia, in the specified instances, and can raise and appropriate the ways and means necessary to those objects. Or is it come to this, that there are to be two rules of construction for the constitution—one, an enlarged rule, for the Executive, and another, a restricted rule, for the legislature? Is it already to be held, that, according to the genius and nature of our constitution, powers of this kind may be safely intrusted to the Executive, but when attempted to be exercised by the legislature, are so alarming and dangerous, that a war with all the allied powers would be less terrible, and that the nation should clothe itself straightway in sack-cloth and ashes! No, sir, if the power belongs only by implication to the Chief Magistrate, it is placed both by implication and express grant in the hands of Congress. I am so far from condemning the act of the President, to which I have referred, that I think it deserving of high approbation. That it was within the scope of his constitutional authority I have no doubt; and I sincerely trust that the Secretary at War will, in time of peace, constantly employ in that way the military force. It will at the same time guard that force against the vices incident to indolence and inaction, and correct the evil of subtracting from the mass of the labor of society, where labor is more valuable than in any other country, that portion of it which enters into the composition of the army. But I most solemnly protest against any exercise of powers of this kind by the President, which are denied to Congress. And, if the opinions expressed by him, in his message, were communicated, or are to be used here, to influence the judgment of the House, their authority is more than counterbalanced by the authority of his deliberate acts.

Some principles drawn from political economists have been alluded to, and we are advised to leave things to themselves, upon the ground that, when the condition of society is ripe for internal improvements—that is, when capital can be so invested with a fair prospect of adequate remuneration, they will be executed by associa-



tions of individuals, unaided by government. With my friend from South Carolina (Mr. Lowndes) I concur in this as a general maxim, and I also concur with him that there are exceptions to it. The foreign policy which I think this country ought to adopt, presents one of those exceptions. It would perhaps be better for mankind, if, in the intercourse between nations, all would leave skill and industry to their unstimulated exertions. But this is not done; and if other powers will incite the industry of their subjects, and depress that of our citizens, in instances where they may come into competition, we must imitate their selfish example. Hence the necessity to protect our manufactures. In regard to internal improvements, it does not follow that they will always be constructed whenever they will afford a competent dividend upon the capital invested. It may be true generally that, in old countries, where there is a great accumulation of surplus capital, and a consequent low rate of interest, they will be made. But, in a new country, the condition of society may be ripe for public works long before there is, in the hands of individuals, the necessary accumulation of capital to effect them; and, besides, there is generally, in such a country, not only a scarcity of capital, but such a multiplicity of profitable objects presenting themselves as to distract the judgment. Further—the aggregate benefit resulting to the whole society, from a public improvement, may be such as to amply justify the investment of capital in its execution, and yet that benefit may be so distributed among different and distant persons, that they can never be got to act in concert. The turnpike roads wanted to pass the Allegany mountains, and the Delaware and Chesapeake canal, are objects of this description. Those who will be most benefited by these improvements, reside at a considerable distance from the sites of them; many of those persons never have seen and never will see them. How is it possible to regulate the contributions, or to present to individuals so situated a sufficiently lively picture of their real interests, to get them to make exertions in effectuating the object, commensurate with their respective abilities? I think it very possible that the capitalist, who should invest his money in one of these objects, might not be reimbursed three per centum annually upon it; and yet society, in various forms, might actually reap fifteen or twenty per centum. The benefit resulting from a turnpike road, made by private associations, is divided between the capitalist who receives his tolls, the lands through which it passes, and which are augmented in their value, and the commodities whose value is enhanced by the dimin-

ished expense of transportation. A combination, upon any terms, much less a just combination, of all those interests, to effect the improvement, is impracticable. And if you await the arrival of the period when the tolls alone can produce a competent dividend, it is evident that you will have to suspend its execution long after the general interests of society would have authorized it.

Again, improvements, made by private associations are generally made by local capital. But ages must elapse before there will be concentrated in certain places, where the interests of the whole community may call for improvements, sufficient capital to make them. The place of the improvement, too, is not always the most interested in its accomplishment. Other parts of the Union—the whole line of the seaboard—are quite as much, if not more interested in the Delaware and Chesapeake canal, as the small tract of country through which it is proposed to pass. The same observation will apply to turnpike roads passing through the Allegany mountain. Sometimes the interest of the place of the improvement is adverse to the improvement and to the general interest. I would cite Louisville, at the rapids of the Ohio, as an example, whose interest will probably be more promoted by the continuance, than the removal of the obstruction. Of all the modes in which a government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort, and activity, and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus, if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened two dollars, the producer of the article would receive that two dollars more now than formerly.

But, putting aside all pecuniary considerations, there may be political motives sufficiently powerful alone to justify certain internal improvements. Does not our country present such? How are they to be effected if things are left to themselves? I will not press the subject further. I am but too sensible how much I have abused the patience of the committee by trespassing so long upon its attention. The magnitude of the question, and the deep interest I feel in its rightful decision, must be my apology. We are now making the



last effort to establish our power, and I call on the friends of Congress, of this House, or the true friends of State rights, (not charging others with intending to oppose them,) to rally round the constitution, and to support by their votes on this occasion, the legitimate powers of the legislature. If we do nothing this session but pass an abstract resolution on the subject, I shall, under all circumstances, consider it a triumph for the best interests of the country, of which posterity will, if we do not, reap the benefit. I trust, that by the decision which shall be given, we shall assert, uphold, and maintain, the authority of Congress, notwithstanding all that has been or may be said against it.

[The resolution of giving the power of Congress 1. to appropriate money to the construction of Military and Post Roads, make canals, and improve water courses, was adopted: Yeas 90; Nays 75: 2. to construct such roads: lost: Yeas 82; Nays 84: 3. to construct roads and canals for commercial purposes: lost: Yeas 71; Nays 95: 4. to construct canals for Military purposes: lost: 81 to 83.]

## ON THE EMANCIPATION OF SOUTH AMERICA.

IN THE HOUSE OF REPRESENTATIVES, MARCH 24, 1818.

[THE several Provinces, or Countries, of South America, having been enabled to shake off the yoke of servitude to Spain and Portugal during the long and desperate wars by Napoleon against the nations of the Peninsula, and having gallantly maintained their independence by vanquishing the armies sent against them after the fall of Bonaparte, the friends of liberty in this hemisphere believed that the time had now come when the eldest and most powerful of the American Republics might fitly and justly take the lead in acknowledging that independence, in the face of hostile Europe, and in defiance of the 'Divine Right' of Kings to rule. Accordingly, when the 'Bill providing for the Civil and Diplomatic Expenditures' of 1818 came before the House, in Committee, Mr. CLAY moved to insert an item of \$18,000 for the salary and outfit of a Minister to Brazil—as the oldest and most stable of the independent governments of South America—which motion he supported in the following Speech:]

I RISE under feelings of deeper regret than I have ever experienced on any former occasion, inspired, principally, by the painful consideration, that I find myself, on the proposition which I meant to submit, differing from many highly esteemed friends, in and out of this House, for whose judgment I entertained the greatest respect. A knowledge of this circumstance has induced me to pause; to subject my own convictions to the severest scrutiny, and to revolve the question over and over again. But all my reflections have conducted me to the same clear result; and much as I value those friends—great as my deference is for their opinions—I cannot hesitate, when reduced to the distressing alternative of conforming my judgment to theirs, or pursuing the deliberate and mature dictates of my own mind. I enjoy some consolation, for the want of their co-operation, from the persuasion that, if I err on this occasion, I err on the side of the liberty and happiness of a large portion of the human family. Another, and, if possible, indeed, a greater source of the regret to which I refer, is the utter incompetency, which I unfeign-



edly feel, to do any thing like adequate justice to the great cause of American independence and freedom, whose interests I wish to promote by my humble exertions in this instance. Exhausted and worn down as I am, by the fatigue, confinement, and incessant application incident to the arduous duties of the honorable station I hold, during a four months' session, I shall need all that kind indulgence which has been so often extended to me by the House.

I beg, in the first place, to correct misconceptions, if any exist, in regard to my opinions. I am averse from war with Spain, or with any power. I would give no just cause of war to any power—not to Spain herself. I have seen enough of war, and of its calamities, even when successful. No country upon earth has more interest than this in cultivating peace and avoiding war, as long as it is possible honorably to avoid it. Gaining additional strength every day; our numbers doubling in periods of twenty-five years; with an income outstripping all our estimates, and so great, as, after a war in some respects disastrous, to furnish results which carry astonishment, if not dismay, into the bosom of states jealous of our rising importance,—we have every motive for the love of peace. I cannot, however, approve, in all respects, of the manner in which our negotiations with Spain have been conducted. If ever a favorable time existed for the demand, on the part of an injured nation, of indemnity for past wrongs from the aggressor, such is the present time. Impoverished and exhausted at home, by the wars which have desolated the peninsula; with a foreign war, calling for infinitely more resources, in men and money, than she can possibly command, this is the auspicious period for insisting upon justice at her hands, in a firm and decided tone. Time is precisely what Spain now most wants. Yet what are we told by the President in his message at the commencement of Congress? That Spain had procrastinated, and we acquiesced in her procrastination. And the Secretary of State, in a late communication with Mr. Onís, after ably vindicating all our rights, tells the Spanish minister, with a good deal of *sang froid*, that we had patiently waited thirteen years for a redress of our injuries, and that it required no great effort to wait longer! I would have abstained from thus exposing our intentions. Avoiding the use of the language of menace, I would have required, in temperate and decided terms, indemnity for all our wrongs; for the spoliation of our commerce; for the interruption of the right of depot at New Orleans, guaranteed

by treaty ; for the insults repeatedly offered to our flag ; for the Indian hostilities, which she was bound to prevent ; for belligerent use made of her ports and territories by our enemy during the late war ; and the instantaneous liberation of the free citizens of the United States now imprisoned in her jails. Contemporaneous with that demand, without waiting for her final answer, and with a view to the favorable operation on her councils in regard to our own peculiar interests, as well as in justice to the cause itself, I would recognise any established government in Spanish America. I would have left Spain to draw her own inferences from these proceedings, as to the ultimate step which this country might adopt, if she longer withheld justice from us. And if she persevered in her iniquity, after we have conducted the negotiation in the manner I have endeavored to describe, I would then take up and decide the solemn question of peace or war, with the advantage of all the light shed upon it by subsequent events, and the probable conduct of Europe.

Spain has undoubtedly given us abundant and just cause of war. But it is not every cause of war that should lead to war. War is one of those dreadful scourges that so shakes the foundations of society, overturns or changes the character of governments, interrupts or destroys the pursuits of private happiness, brings, in short, misery and wretchedness in so many forms, and at last is, in its issue, so doubtful and hazardous, that nothing but dire necessity can justify an appeal to arms. If we are to have war with Spain, I have, however, no hesitation in saying, that no mode of bringing it about could be less fortunate than that of seizing, at this time, upon her adjoining province. There was a time, under certain circumstances, when we might have occupied East Florida with safety ; had we then taken it, our posture in the negotiation with Spain would have been totally different from what it is. But we have permitted that time, not with my consent, to pass by unimproved. If we were now to seize upon Florida, after a great change in those circumstances, and after declaring our intention to acquiesce in the procrastination desired by Spain, in what light should we be viewed by foreign powers, particularly Great Britain ? We have already been accused of inordinate ambition, and of seeking to aggrandize ourselves by an extension, on all sides, of our limits. Should we not, by such an act of violence, give color to the accusation ? No, Mr. Chairman, if we are to be involved in a war with Spain, let us have the credit of disinterested-



ness. Let us put her yet more in the wrong. Let us command the respect which is never withheld from those who act a noble and generous part. I hope to communicate to the committee the conviction which I so strongly feel, that the adoption of the amendment which I intend to propose, would not hazard, in the slightest degree, the peace of the country. But if that peace is to be endangered, I would infinitely rather it should be for our exerting the right appertaining to every state, of acknowledging the independence of another state, than for the seizure of a province which, sooner or later, we must certainly acquire.

In contemplating the great struggle in which Spanish America is now engaged, our attention is first fixed by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific Ocean from about the fortieth degree of north latitude to about the fifty-fifth degree of south latitude, and extending from the mouth of the Rio del Norte, (exclusive of East Florida,) around the Gulf of Mexico, and along the South Atlantic to near Cape Horn; it is about five thousand miles in length, and in some places near three thousand in breadth. Within this vast region we behold the most sublime and interesting objects of creation; the loftiest mountains, the most majestic rivers in the world; the richest mines of the precious metals, and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime—the glorious spectacle of eighteen millions of people, struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the vice-royalty of Mexico on the south; passing by Guatemala, we reach the vice-royalty of New Granada, the late captain-generalship of Venezuela, and Guiana, lying on the east side of the Andes. Stepping over the Brazils, we arrive at the united provinces of La Plata, and crossing the Andes, we find Chili on their west side, and, further north, the vice-royalty of Lima, or Peru. Each of these several parts is sufficient in itself, in point of limits, to constitute a powerful state; and, in point of population, that which has the smallest, contains enough to make it respectable. Throughout all the extent of that great portion of the world, which I have attempted thus hastily to describe, the spirit of revolt against

the dominion of Spain has manifested itself. The revolution has been attended with various degrees of success in the several parts of Spanish America. In some it has been already crowned, as I shall endeavor to show, with complete success, and in all I am persuaded that independence has struck such deep root that the power of Spain can never eradicate it. What are the causes of this great movement?

Three hundred years ago, upon the ruins of the thrones of Montezuma and the Incas of Peru, Spain erected the most stupendous system of colonial despotism that the world has ever seen—the most vigorous, the most exclusive. The great principle and object of this system, has been to render one of the largest portions of the world exclusively subservient, in all its faculties, to the interests of an inconsiderable spot in Europe. To effectuate this aim of her policy, she locked up Spanish America from all the rest of the world, and prohibited, under the severest penalties, any foreigner from entering any part of it. To keep the natives themselves ignorant of each other, and of the strength and resources of the several parts of her American possessions, she next prohibited the inhabitants of one vice-royalty or government from visiting those of another; so that the inhabitants of Mexico, for example, were not allowed to enter the vice-royalty of New Granada. The agriculture of those vast regions was so regulated and restrained as to prevent all collision with the agriculture of the peninsula. Where nature, by the character and composition of the soil, had commanded, the abominable system of Spain has forbidden, the growth of certain articles. Thus the olive and the vine, to which Spanish America is so well adapted, are prohibited, wherever their culture can interfere with the olive and the vine of the peninsula. The commerce of the country, in the direction and objects of the exports and imports, is also subjected to the narrow and selfish views of Spain—and fettered by the odious spirit of monopoly existing in Cadiz. She has sought, by scattering discord among the several castes of her American population, and by a debasing course of education, to perpetuate her oppression. Whatever concerns public law, or the science of government, all writers upon political economy, or that tend to give vigor, and freedom, and expansion to the intellect, are prohibited. Gentleman would be astonished by the long list of distinguished authors, whom she proscribes, to be found in Depon's and other works. A main feature in



her policy, is that which constantly elevates the European and depresses the American character. Out of upwards of seven hundred and fifty viceroys and captains general, whom she has appointed since the conquest of America, about eighteen only have been from the body of the American population. On all occasions, she seeks to raise and promote her European subjects, and to degrade and humiliate the Creoles. Wherever in America her sway extends, every thing seems to pine and wither beneath its baneful influence. The richest regions of the earth; man, his happiness and his education, all the fine faculties of his soul, are regulated, and modified, and moulded to suit the execrable purposes of an inexorable despotism.

Such is a brief and imperfect picture of the state of things in Spanish America in 1808, when the famous transactions of Bayonne occurred. The King of Spain and the Indies (for Spanish America has always constituted an integral part of the Spanish empire) abdicated his throne and became a voluntary captive. Even at this day, one does not know whether he should most condemn the baseness and perfidy of the one party, or despise the meanness and imbecility of the other. If the obligation of obedience and allegiance existed on the part of the colonies to the king of Spain, it was founded on the duty of protection which he owed them. By disqualifying himself for the performance of this duty, they became released from that obligation. The monarchy was dissolved; and each integral part had a right to seek its own happiness, by the institution of any new government adapted to its wants. Joseph Bonaparte, the successor *de facto* of Ferdinand, recognised this right on the part of the colonies, and recommended them to establish their independence. Thus, upon the ground of strict right; upon the footing of a mere legal question, governed by forensic rules, the colonies, being absolved by the acts of the parent country from the duty of subjection to it, had an indisputable right to set up for themselves. But I take a broader and a bolder position. I maintain, that an oppressed people are authorized, whenever they can, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. Vattel, if authority were wanting, expressly supports this right. We must pass sentence of condemnation upon the founders of our liberty—say that they were rebels—traitors, and that we are at this moment legislating without competent powers, before we can condemn the cause of Spanish America. Our revolution

was mainly directed against the mere theory of tyranny. We had suffered comparatively but little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that were to follow. They rose; they breasted the storm; they achieved our freedom. Spanish America for centuries has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.

I am no propagandist. I would not seek to force upon other nations our principles and our liberty, if they do not want them. I would not disturb the repose even of a detestable despotism. But, if an abused and oppressed people will their freedom; if they seek to establish it; if, in truth, they have established it, we have a right, as a sovereign power, to notice the fact, and to act as circumstances and our interest require. I will say, in the language of the venerated father of my country: "Born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom." Whenever I think of Spanish America, the image irresistibly forces itself upon my mind of an elder brother, whose education has been neglected, whose person has been abused and maltreated, and who has been disinherited by the unkindness of an unnatural parent. And, when I contemplate the glorious struggle which that country is now making, I think I behold that brother rising, by the power and energy of his fine native genius, to the manly rank which nature, and nature's God, intended for him.

If Spanish America be entitled to success from the justness of her cause, we have no less reason to wish that success from the horrible character which the royal arms have given to the war. More atrocities than those which have been perpetrated during its existence, are not to be found even in the annals of Spain herself. And history, reserving some of her blackest pages for the name of Morillo, is prepared to place him by the side of his great prototype, the infamous desolater of the Netherlands. He who has looked into the history of the conduct of this war, is constantly shocked at the revolting scenes which it portrays; at the refusal, on the part of the commanders of the royal forces, to treat, on any terms, with the other side; at the denial of quarters; at the butchery, in cold blood, of prisoners;



at the violation of flags, in some cases, after being received with religious ceremonies ; at the instigation of slaves to rise against their owners ; and at acts of wanton and useless barbarity. Neither the weakness of the other sex, nor the imbecility of old age, nor the innocence of infants, nor the reverence due to the sacerdotal character, can stay the arm of royal vengeance. On this subject I beg leave to trouble the committee with reading a few passages from a most authentic document, the manifesto of the Congress of the United Provinces of Rio de la Plata, published in October last. This is a paper of the highest authority ; it is an appeal to the world ; it asserts facts of notoriety in the face of the whole world. It is not to be credited that the Congress would come forward with a statement which was not true, when the means, if it were false, of exposing their fabrications, must be so abundant, and so easy to command. It is a document, in short, that stands upon the same footing of authority with our own papers, promulgated during the Revolution by our Congress. I will add, that many of the facts which it affirms are corroborated by most respectable historical testimony, which is in my own possession.

"Memory shudders at the recital of the horrors that were committed by Goyeneche in Cochabamba. Would to heaven it were possible to blot from remembrance the name of that ungrateful and blood-thirsty American ; who, on the day of his entry, ordered the virtuous Governor and Intendant, Antezana, to be shot ; who, beholding from the balcony of his house that infamous murder, cried out with a ferocious voice to the soldiers, that they must not fire at the head, because he wanted it to be affixed to a pole ; and who, after the head was taken off, ordered the cold corpse to be dragged through the streets ; and, by a barbarous decree, placed the lives and fortunes of the citizens at the mercy of his unbridled soldiery, leaving them to exercise their licentious and brutal sway during several days ! But those blind and cruelly capricious men (the Spaniards) rejected the mediation of England, and despatched rigorous orders to all the generals, to aggravate the war, and to punish us with more severity. The scaffolds were everywhere multiplied, and invention was racked to devise means for spreading murder, distress, and consternation.

"Thenceforth they made all possible efforts to spread division amongst us, to incite us to mutual extermination ; they have slandered us with the most atrocious calumnies, accusing us of plotting the destruction of our holy religion, the abolition of all morality, and of introducing licentiousness of manners. They wage a religious war against us, contriving a thousand artifices to disturb and alarm the consciences of the people, making the Spanish bishops issue decrees of ecclesiastical condemnation, public excommunications, and disseminating, through the medium of some ignorant confessor, fanatical doctrines in the tribunal of penitence. By means of these religious discords they have divided families against themselves ; they have caused disaffection between parents and children ; they have dissolved the tender ties which unite man and wife ; they have spread rancor and implacable hatred between brothers most endeared, and they have presumed to throw all nature into discord.

"They have adopted the system of murdering men indiscriminately, to diminish our numbers ; and, on their entry into towns, they have swept off all, even the market people, leading them to the open squares, and there shooting them one by one. The cities of Chuquisaca and Cochabamba have more than once been the theatres of these horrid slaughters.

"They have internixed with their troops soldiers of ours whom they had taken prisoners, carrying away the officers in chains, to garrisons where it is impossible to preserve health for a year—they have left others to die in their prisons of hunger and misery, and others they have forced to hard labor on the public works. They have exultingly put to death our bearers of flags of truce, and have been guilty of the blackest atrocities to our chiefs, after they had surrendered; as well as to other principal characters, in disregard of the humanity with which we treated prisoners; as a proof of it, witness the deputy Mutes of Potosi, the captain-general Pamacagua, General Augulo, and his brother commandant Munecas and other partisan chiefs, who were shot in cold blood, after having been prisoners for several days.

"They took a brutal pleasure in cropping the ears of the natives of the town of Ville-grande, and sending a basket full of them as presents to the head-quarters. They afterwards burnt that town, and set fire to thirty other populous towns of Peru, and worse than the worst of savages, shutting the inhabitants up in the houses before setting them on fire, that they might be burnt alive.

"They have not only been cruel and unsparing in their mode of murder, but they have been void of all morality and public decency, causing aged ecclesiastics and women to be lashed to a gun, and publicly flogged, with the abomination of first having them stripped, and their nakedness exposed to shame, in the presence of their troops

"They established an inquisitorial system in all these punishments; they have seized on peaceable inhabitants, and transported them across the sea, to be judged for suspected crimes, and they have put a great number of citizens to death everywhere, without accusation or the form of a trial.

"They have invented a crime of unexampled horror, in poisoning our water and provisions, when they were conquered by General Pineto at La Paz; and in return for the kindness with which we treated them, after they had surrendered at discretion, they had the barbarity to blow up the head-quarters, under which they had constructed a mine, and prepared a train beforehand.

"He has branded us with the stigma of rebels, the moment he returned to Madrid; he refused to listen to our complaints, or to receive our supplications; and as an act of extreme favor, he offered us pardon. He confirmed the viceroys, governors, and generals whom he found actually glutted with carnage. He declared us guilty of a high misdemeanor for having dared to frame a constitution for our own government, free from the control of a deified, absolute, and tyrannical power, under which we had groaned three centuries; a measure that could be offensive only to a prince, an enemy to justice and beneficence, and consequently unworthy to rule over us.

"He then undertook, with the aid of his ministers, to equip large military armaments, to be directed against us. He caused numerous armies to be sent out, to consummate the work of devastation, fire, and plunder.

"He has sent his generals, with certain decrees of pardon, which they publish to deceive the ignorant, and induce them to facilitate their entrance into towns, whilst at the same time he has given them other secret instructions, authorizing them, as soon as they could get possession of a place, to hang, burn, confiscate, and sack; to encourage private assassinations—and to commit every species of injury in their power, against the deluded beings who had confided in his pretended pardon. It is in the name of Ferdinand of Bourbon that the heads of patriot officers, prisoners, are fixed up in the highways, that they beat and stoned to death a commandant of light troops, and that, after having killed Colonel Camugo, in the same manner by the hands of the indecent Centeno, they cut off his head and sent it as a present to General Pazuela, telling him it was a miracle of the virgin of the Carmelites."

In the establishment of the independence of Spanish America, the United States have the deepest interest. I have no hesitation in asserting my firm belief, that there is no question in the foreign policy



of this country, which has ever arisen, or which I can conceive as ever occurring, in the decision of which we have had or can have so much at stake. This interest concerns our politics, our commerce, our navigation. There cannot be a doubt that Spanish America, once independent, whatever may be the form of the governments established in its several parts, these governments will be animated by an American feeling, and guided by an American policy. They will obey the laws of the system of the New World, of which they will compose a part, in contradistinction to that of Europe. Without the influence of that vortex in Europe, the balance of power between its several parts, the preservation of which has so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of the globe, as a calm, if not a cold and indifferent spectator. In relation to those wars, the several parts of America will generally stand neutral. And as, during the period when they rage, it will be important that a liberal system of neutrality should be adopted and observed, all America will be interested in maintaining and enforcing such a system. The independence then of Spanish America is an interest of primary consideration. Next to that, and highly important in itself, is the consideration of the nature of their governments. That is a question, however, for themselves. They will, no doubt, adopt those kinds of governments which are best suited to their condition, best calculated for their happiness. Anxious as I am that they should be free governments, we have no right to prescribe for them. They are and ought to be the sole judges for themselves. I am strongly inclined to believe that they will in most, if not all parts of their country, establish free governments. We are their great example. Of us they constantly speak as of brothers, having a similar origin. They adopt our principles, copy our institutions, and, in many instances, employ the very language and sentiments of our revolutionary papers.

"Having then been thus impelled by the Spaniards and their king, we have calculated all the consequences, and have constituted ourselves independent, prepared to exercise the right of nature to defend ourselves against the ravages of tyranny, at the risk of our honor, our lives and fortune. We have sworn to the only King we acknowledge, the supreme Judge of the world, that we will not abandon the cause of justice; that we will not suffer the country which he has given us to be buried in ruins, and inundated with blood, by the hands of the executioner," &c.

But it is sometimes said that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of

the real condition of that people. I deny the alleged fact of ignorance; I deny the inference from that fact, if it were true, that they want capacity for free government; and I refuse assent to the further conclusion, if the fact were true, and the inference just, that we are to be indifferent to their fate. All the writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America, great quickness, genius, and particular aptitude for the acquisition of the exact sciences, and others which they have been allowed to cultivate. In astronomy, geology, mineralogy, chemistry, botany, &c., they are allowed to make distinguished proficiency. They justly boast of their Abzate, Velasques, and Gama, and other illustrious contributors to science. They have nine universities, and in the city of Mexico, it is affirmed by Humboldt, that there are more solid scientific establishments than in any city even of North America. I would refer to the message of the supreme director of La Plata, which I shall hereafter have occasion to use for another purpose, as a model of fine composition of a state paper, challenging a comparison with any, the most celebrated that ever issued from the pens of Jefferson or Madison. Gentlemen will egregiously err if they form their opinions of the present moral condition of Spanish America, from what it was under the debasing system of Spain. The eight years' revolution in which it has been engaged, has already produced a powerful effect. Education has been attended to, and genius developed.

"As soon as the project of the revolution arose on the shores of La Plata, genius and talent exhibited their influence; the capacity of the people became manifest, and the means of acquiring knowledge were soon made the favorite pursuit of the youth. As far as the wants or the inevitable interruption of affairs has allowed, every thing has been done to disseminate useful information. The liberty of the press has indeed met with some occasional checks; but in Buenos Ayres alone as many periodical works weekly issue from the press as in Spain and Portugal put together."

The fact is not therefore true that the imputed ignorance exists; but, if it do, I repeat, I dispute the inference. It is the doctrine of thrones, that man is too ignorant to govern himself. Their partizans assert his incapacity in reference to all nations; if they cannot command universal assent to the proposition, it is then demanded as to particular nations; and our pride and our presumption too often make converts of us. I contend that it is to arraign the dispositions of Providence himself, to suppose that he has created beings incapable of governing themselves, and to be trampled on by kings. Self-gov-



ernment is the natural government of man, and for proof I refer to the aborigines of our own land. Were I to speculate in hypotheses unfavorable to human liberty, my speculations should be founded rather upon the vices, refinements, or density of population. Crowded together in compact masses, even if they were philosophers, the contagion of the passions is communicated and caught, and the effect too often, I admit, is the overthrow of liberty. Dispersed over such an immense space as that on which the people of Spanish America are spread, their physical, and I believe also their moral condition, both favor their liberty.

With regard to their superstition, they worship the same God with us. Their prayers are offered up in their temples to the same Redeemer, whose intercession we expect to save us. Nor is there any thing in the Catholic religion unfavorable to freedom. All religions united with government are more or less inimical to liberty. All separated from government are compatible with liberty. If the people of Spanish America have not already gone as far, in religious toleration, as we have, the difference in their condition from ours should not be forgotten. Every thing is progressive; and, in time, I hope to see them imitating, in this respect, our example. But grant that the people of Spanish America are ignorant and incompetent for free government, to whom is that ignorance to be ascribed? Is it not to the execrable system of Spain, which she seeks again to establish and to perpetuate? So far from chilling our hearts, it ought to increase our solicitude for our unfortunate brethren. It ought to animate us to desire the redemption of the minds and the bodies of unborn millions from the brutifying effects of a system whose tendency is to stifle the faculties of the soul, and to degrade man to the level of beasts. I would invoke the spirits of our departed fathers. Was it for yourselves only that you nobly fought? No, no! It was the chains that were forging for your posterity that made you fly to arms, and scattering the elements of these chains to the winds, you transmitted to us the rich inheritance of liberty.

The exports of Spanish America (exclusive of those of the islands) are estimated in the valuable little work of M. Torres, deserving to be better known, at about eighty-one millions of dollars. Of these more than three-fourths consist of the precious metals. The residue are cocoa, coffee, cochineal, sugar, and some other articles. No na-

tion ever offered richer commodities in exchange. It is of no material consequence that we produce but little that Spanish America wants. Commerce, as it actually exists, in the hands of maritime states, is no longer confined to a mere barter, between any two states, of their respective productions. It renders tributary to its interests the commodities of all quarters of the world; so that a rich American cargo, or the contents of an American commercial warehouse, present you with whatever is rare or valuable in every part of the globe. Commerce is not to be judged by its results in transactions with one nation only. Unfavorable balances existing with one state are made up by contrary balances with other states, and its true value should be tested by the totality of its operations. Our greatest trade—that with Great Britain, judged by the amount of what we sell for her consumption, and what we buy of her for ours, would be pronounced ruinous. But the unfavorable balance is covered by the profits of trade with other nations. We may safely trust to the daring enterprise of our merchants. The precious metals are in South America, and they will command the articles wanted in South America, which will purchase them. Our navigation will be benefited by the transportation, and our country will realize the mercantile profits. Already the item in our exports of American manufactures is respectable. They go chiefly to the West Indies and to Spanish America. This item is constantly augmenting. And I would again, as I have on another occasion, ask gentlemen to elevate themselves to the actual importance and greatness of our republic; to reflect, like true American statesmen, that we are not legislating for the present day only; and to contemplate this country in its march to true greatness, when millions and millions will be added to our population, and when the increased productive industry will furnish an infinite variety of fabrics for foreign consumption, in order to supply our own wants. The distribution of the precious metals has hitherto been principally made through the circuitous channel of Cadiz. No one can foresee all the effects which will result from a direct distribution of them from the mines which produce them. One of these effects will probably be to give us the entire command of the Indian trade. The advantage we have on the map of the world over Europe, in that respect, is prodigious. Again, if England, persisting in her colonial monopoly, continues to occlude her ports in the West Indies to us, and we should, as I contend we ought, meet her system by a countervailing measure, Venezuela, New Granada, and other parts of Spanish America, would afford us all we



get from the British West Indies. I confess that I despair, for the present, of adopting that salutary measure. It was proposed at the last session, and postponed. During the present session it has been again proposed, and, I fear, will be again postponed. I see, and I own it with infinite regret, a tone and a feeling in the counsels of the country infinitely below that which belongs to the country. It is perhaps the moral consequence of the exertions of the late war. We are alarmed at dangers, we know not what; by spectres conjured up by our own vivid imaginations.

The West India bill is brought up. We shrug our shoulders, talk of restrictions, non-intercourse, embargo, commercial warfare, make long faces, and—postpone the bill. The time will however come, must come, when this country will not submit to a commerce with the British colonies upon the terms which England alone prescribes. And, I repeat, when it arrives, Spanish America will afford us an ample substitute. Then, as to our navigation; gentlemen should recollect that, if reasoning from past experience were safe for the future, our great commercial rival will be in war a greater number of years than she will be in peace. Whenever she shall be at war, and we are in peace, our navigation being free from the risks and insurance incident to war, we shall engross almost the whole transportation of the Spanish American commerce. For I do not believe that that country will ever have a considerable marine. Mexico, the most populous part of it, has but two ports, La Vera Cruz and Acapulca, and neither of them very good. Spanish America has not the elements to construct a marine. It wants, and must always want, hardy seamen. I do not believe that in the present improved state of navigation, any nation, so far south will ever make a figure as maritime powers. If Carthage and Rome, in ancient times, and some other states of a later period, occasionally made great exertions on the water, it must be recollected that they were principally on a small theatre, and in a totally different state of the art of navigation, or when there was no competition from Northern States.

I am aware that, in opposition to the interest which I have been endeavoring to manifest, that this country has in the independence of Spanish America, it is contended that we shall find that country a great rival in agricultural productions. There is something so narrow, and selfish, and grovelling in this argument, if founded in fact

something so unworthy the magnanimity of a great and a generous people, that I confess I have scarcely patience to notice it. But it is not true to any extent. Of the eighty odd millions of exports, only about one million and a half consist of an article which can come into competition with us, and that is cotton. The tobacco which Spain derives from her colonies is chiefly produced in her islands. Bread stuffs can nowhere be raised and brought to market in any amount materially affecting us. The table lands of Mexico, owing to their elevation, are, it is true, well adapted to the culture of grain; but the expense and difficulty of getting it to the Gulf of Mexico, and the action of the intense heat at La Vera Cruz, the only port of exportation, must always prevent Mexico from being an alarming competitor. Spanish America is capable of producing articles so much more valuable than those which we raise, that it is not probable they will abandon a more profitable for a less advantageous culture, to come into competition with us. The West India Islands are well adapted to the raising of cotton; and yet the more valuable culture of coffee and sugar is constantly preferred. Again, Providence has so ordered it, that, with regard to countries producing articles apparently similar, there is some peculiarity, resulting from climate, or from some other cause, that gives to each an appropriate place in the general wants and consumption of mankind. The southern part of the continent, La Plata and Chili, is too remote to rival us.

The immense country watered by the Mississippi and its branches has a peculiar interest, which I trust I shall be excused for noticing. Having but the single vent of New Orleans for all the surplus produce of their industry, it is quite evident that they would have a greater security for enjoying the advantages of that outlet, if the independence of Mexico upon any European power were effected. Such a power, owning at the same time Cuba, the great key of the Gulf of Mexico, and all the shores of that gulf, with the exception of the portion between the Perdido and the Rio del Norte, must have a powerful command over our interests. Spain, it is true, is not a dangerous neighbor at present, but, in the vicissitudes of states, her power may be again resuscitated.

Having shown that the cause of the patriots is just, and that we have a great interest in its successful issue, I will next inquire what course of policy it becomes us to adopt. I have already declared it to



be one of strict and impartial neutrality. It is not necessary for their interests, it is not expedient for our own, that we should take part in the war. All they demand of us is a just neutrality. It is compatible with this pacific policy—it is required by it, that we should recognise any established government, if there be any established government in Spanish America. Recognition alone, without aid, is no just cause of war. With aid, it is, not because of the recognition, but because of the aid, as aid, without recognition, is cause of war. The truth of these propositions I will maintain upon principle, by the practice of other states, and by the usage of our own. There is no common tribunal among nations, to pronounce upon the fact of the sovereignty of a new state. Each power does and must judge for itself. It is an attribute of sovereignty so to judge. A nation, in exerting this incontestable right—in pronouncing upon the independence, in fact, of a new state, takes no part in the war. It gives neither men, nor ships, nor money. It merely pronounces that, in so far as it may be necessary to institute any relations, or to support any intercourse, with the new power, that power is capable of maintaining those relations, and authorizing that intercourse. Martens and other publicists lay down these principles.

When the United Provinces formerly severed themselves from Spain, it was about eighty years before their independence was finally recognised by Spain. Before that recognition, the United Provinces had been received by all the rest of Europe into the family of nations. It is true that a war broke out between Philip and Elizabeth, but it proceeded from the aid which she determined to give, and did give, to Holland. In no instance, I believe, can it be shown, from authentic history, that Spain made war upon any power on the sole ground that such power had acknowledged the independence of the United Provinces.

In the case of our own revolution, it was not until after France had given us aid, and had determined to enter into a treaty of alliance with us—a treaty by which she guarantied our independence—that England declared war. Holland also was charged by England with favoring our cause, and deviating from the line of strict neutrality. And, when it was perceived that she was moreover about to enter into a treaty with us, England declared war. Even if it were shown that a proud, haughty, and powerful nation like England, had made

war upon other provinces on the ground of a mere recognition, the single example could not alter the public law, or shake the strength of a clear principle.

But what has been our uniform practice? We have constantly proceeded on the principle, that the government *de facto* is that we can alone notice. Whatever form of government any society of people adopts, whoever they acknowledge as their sovereign, we consider that government or that sovereign as the one to be acknowledged by us. We have invariably abstained from assuming a right to decide in favor of the sovereign *de jure*, and against the sovereign *de facto*. That is a question for the nation in which it arises to determine. And so far as we are concerned, the sovereign *de facto* is the sovereign *de jure*. Our own revolution stands on the basis of the right of a people to change their rulers. I do not maintain that every immature revolution, every usurper, before his power is consolidated, is to be acknowledged by us; but that as soon as stability and order are maintained, no matter by whom, we always have considered, and ought to consider, the actual as the true government. General Washington, Mr. Jefferson, Mr. Madison, all, while they were respectively presidents, acted on these principles.

In the case of the French republic, General Washington did not wait until some of the crowned heads of Europe should set him the example of acknowledging it, but accredited a minister at once. And it is remarkable that he was received before the government of the republic was considered as established. It will be found in Marshall's *Life of Washington*, that when it was understood that a minister from the French Republic was about to present himself, President Washington submitted a number of questions to his cabinet for their consideration and advice, one of which was, whether, upon the reception of the minister, he should be notified that America would suspend the execution of the treaties between the two countries until France had an established government. General Washington did not stop to inquire whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France, and if the revolution was to be regarded as unauthorized resistance to their sway. He saw France, in fact, under the government of those who had subverted the throne of the Bourbons, and he acknowledged the actual government. During Mr. Jefferson's and Mr. Madison's administrations,



when the Cortes of Spain and Joseph Bonaparte respectively contended for the crown, those enlightened statesmen said, We will receive a minister from neither party; settle the question between yourselves, and we will acknowledge the party that prevails. We have nothing to do with your feuds; whoever all Spain acknowledges as her sovereign, is the only sovereign with whom we can maintain any relations. Mr. Jefferson, it is understood, considered whether he should not receive a minister from both parties, and finally decided against it, because of the inconveniences to this country, which might result from the double representation of another power. As soon as the French armies were expelled from the Peninsula, Mr. Madison, still acting on the principle of the government *de facto*, received the present minister from Spain. During all the phases of the French government, republic, directory, consuls, consul for life, emperor, king, emperor again, king, our government has uniformly received the minister.

If, then, there be an established government in Spanish America, deserving to rank among the nations, we are morally and politically bound to acknowledge it, unless we renounce all the principles which ought to guide, and which hitherto have guided our councils. I shall now undertake to show, that the United Provinces of the Rio de la Plata possess such a government. Its limits, extending from the South Atlantic Ocean to the Pacific, embrace a territory equal to that of the United States, certainly equal to it, exclusive of Louisiana. Its population is about three millions, more than equal to ours at the commencement of our revolution. That population is a hardy, enterprising, and gallant population. The establishments of Montevideo and Buenos Ayres have, during different periods of their history, been attacked by the French, Dutch, Danes, Portuguese, English, and Spanish; and such is the martial character of the people, that in every instance the attack has been repulsed. In 1807, General Whitlocke, commanding a powerful English army, was admitted, under the guise of a friend, into Buenos Ayres, and as soon as he was supposed to have demonstrated inimical designs, he was driven by the native and unaided force of Buenos Ayres from the country. Buenos Ayres has, during now nearly eight years, been in point of fact in the enjoyment of self-government. The capital, containing more than sixty thousand inhabitants, has never been once lost. As early as 1811, the regency of Old Spain made war upon Buenos

Ayres, and the consequence subsequently was, the capture of a Spanish army in Montevideo, equal to that of Burgoyne. This government has now, in excellent discipline, three well appointed armies, with the most abundant material of war; the army of Chili, the army of Peru, and the army of Buenos Ayres. The first, under San Martin, has conquered Chili; the second is penetrating in a northwestern direction from Buenos Ayres, into the vice-royalty of Peru; and, according to the last accounts, had reduced the ancient seat of empire of the Incas. The third remains at Buenos Ayres to oppose any force which Spain may send against it. To show the condition of the country in July last, I again call the attention of the committee to the message of the supreme director, delivered to the Congress of the United Provinces. It is a paper of the same authentic character with the speech of the king of England on opening his parliament, or the message of the President of the United States at the commencement of Congress.

"The army of this capital was organized at the same time with those of the Andes and of the interior; the regular force has been nearly doubled; the militia has made great progress in military discipline; our slave population has been formed into battalions, and taught the military art as far as is consistent with their condition. The capital is under no apprehension that an army of ten thousand men can shake its liberties, and should the Peninsularians send against us thrice that number, ample provision has been made to receive them.

"Our navy has been fostered in all its branches. The scarcity of means under which we labored until now, has not prevented us from undertaking very considerable operations, with respect to the national vessels; all of them have been repaired, and others have been purchased and armed, for the defence of our coasts and rivers; provisions have been made, should necessity require it, for arming many more, so that the enemy will not find himself secure from our reprisals even upon the ocean.

"Our military force, at every point which it occupies, seems to be animated with the same spirit; its tactics are uniform, and have undergone a rapid improvement from the science of experience, which it has borrowed from warlike nations.

"Our arsenals have been replenished with arms, and a sufficient store of cannon and munitions of war have been provided to maintain the contest for many years; and this, after having supplied articles of every description to those districts, which have not as yet come into the Union, but whose connexion with us has been only intercepted by reason of our past misfortune.

"Our legions daily receive considerable augmentations from new levies; all our preparations have been made, as though we were about to enter upon the contest anew. Until now, the vastness of our resources was unknown to us, and our enemies may contemplate, with deep mortification and despair, the present flourishing state of these provinces after so many devastations.

"While thus occupied in providing for our safety within, and preparing for assaults from without, other objects of solid interest have not been neglected, and which hitherto were thought to oppose insurmountable obstacles.

"Our system of finance had hitherto been on a footing entirely inadequate to the anfalling supply of our wants, and still more to the liquidation of the immense debt which had been contracted in former years. An unremitting application to this object, has enabled me to create the means of satisfying the creditors of the state who



had already abandoned their debts as lost, as well as to devise a fixed mode, by which the taxes may be made to fall equally and indirectly on the whole mass of our population: it is not the least merit of this operation, that it has been effected in despite of the writings by which it was attacked, and which are but little creditable to the intelligence and good intentions of their authors. At no other period have the public exigencies been so punctually supplied, nor have more important works been undertaken.

"The people, moreover, have been relieved from many burdens, which being partial, or confined to particular classes, had occasioned vexation and disgust. Other vexations, scarcely less grievous, will by degrees be also suppressed, avoiding as far as possible, a recurrence to loans, which have drawn after them the most fatal consequences to states. Should we, however, be compelled to resort to such expedients, the lenders will not see themselves in danger of losing their advances.

"Many undertakings have been set on foot for the advancement of the general prosperity. Such has been the re-establishing of the college, heretofore named San Carlos, but hereafter to be called the Union of the South, as a point designated for the dissemination of learning to the youth of every part of the state, on the most extensive scale, for the attainment of which object the government is at the present moment engaged in putting in practice every possible diligence. It will not be long before these nurseries will flourish, in which the liberal and exact sciences will be cultivated, in which the hearts of those young men will be formed, who are destined at some future day to add new splendor to our country.

"Such has been the establishment of a military depot on the frontier, with its spacious magazine, a necessary measure to guard us from future dangers, a work which does more honor to the prudent foresight of our country, as it was undertaken in the moment of its prosperous fortunes, a measure which must give more occasion for reflection to our enemies than they can impose upon us by their boasts.

"Fellow-citizens, we owe our unhappy reverses and calamities to the depraving system of our ancient metropolis, which, in condemning us to the obscurity and opprobrium of the most degraded destiny, has sown with thorns the path that conducts us to liberty. Tell that metropolis that even she may glory in your works! Already have you cleared all the rocks, escaped every danger, and conducted these provinces to the flourishing condition in which we now behold them. Let the enemies of your name contemplate with despair the energies of your virtues, and let the nations acknowledge that you already appertain to their illustrious rank. Let us felicitate ourselves on the blessings we have already obtained, and let us show to the world that we have learned to profit by the experience of our past misfortunes."

There is a spirit of bold confidence running through this fine state paper, which nothing but conscious strength could communicate. Their armies, their magazines, their finances, are on the most solid and respectable footing. And, amidst all the cares of war, and those incident to the consolidation of their new institutions, leisure is found to promote the interests of science, and the education of the rising generation. It is true, the first part of the message portrays scenes of difficulty and commotion, the usual attendants upon revolution. The very avowal of their troubles manifests, however, that they are subdued. And what state, passing through the agitation of a great revolution, is free from them? We had our tories, our intrigues, our factions. More than once were the affections of the country, and the confidence of our councils, attempted to be shaken in the great father of our liberties. Not a Spanish bayonet remains within the immense extent of the territories of the La Plata to contest the au-

thority of the actual government. It is free, it is independent, it is sovereign. It manages the interests of the society that submits to its sway. It is capable of maintaining the relations between that society and other nations.

Are we not bound, then, upon our own principles, to acknowledge this new republic? If we do not, who will? Are we to expect that kings will set us the example of acknowledging the only republic on earth, except our own? We receive, promptly receive, a minister from whatever king sends us one. From the great powers and the little powers we accredit ministers. We do more: we hasten to reciprocate the compliment; and anxious to manifest our gratitude for royal civility, we send for a minister (as in the case of Sweden and the Netherlands) of the lowest grade, one of the highest rank recognised by our laws. We are the natural head of the American family. I would not intermeddle in the affairs of Europe. We wisely keep aloof from their broils. I would not even intermeddle in those of other parts of America, further than to exert the incontestable rights appertaining to us as a free, sovereign, and independent power; and, I contend, that the accrediting of a minister from the new republic is such a right. We are bound to receive their minister, if we mean to be really neutral. If the royal belligerent is represented and heard at our government, the republican belligerent ought also to be heard. Otherwise, one party will be in the condition of the poor patriots who were tried *ex-parte* the other day in the Supreme Court, without counsel, without friends. Give Mr. Onís his *conge*, or receive the republican minister. Unless you do so, your neutrality is nominal.

I will next proceed to inquire into the consequences of a recognition of the new republic. Will it involve us in war with Spain? I have shown, I trust, successfully shown, that there is no just cause of war to Spain. Being no cause of war, we have no right to expect that war will ensue. If Spain, without cause, will make war, she may make it whether we do or do not acknowledge the republic. But she will not, because she cannot, make war against us. I call the attention of the committee to a report of the minister of the Hacienda to the king of Spain, presented about eight months ago. A more beggarly account of empty boxes was never rendered. The picture of Mr. Dallas, sketched in his celebrated report during the last war, may be contemplated without emotion, after surveying that



of Mr. Gary. The expenses of the current year required eight hundred and thirty millions two hundred and sixty-seven thousand eight hundred and twenty-nine reals, and the deficit of the income is represented as two hundred and thirty-three millions one hundred and forty thousand nine hundred and thirty-two reals. This, besides an immense mass of unliquidated debt, which the minister acknowledges the utter inability of the country to pay, although bound in honor to redeem it. He states that the vassals of the king are totally unable to submit to any new taxes, and the country is without credit, so as to render anticipation by loans wholly impracticable. Mr. Gary appears to be a virtuous man, who exhibits frankly the naked truth; and yet such a minister acknowledges, that the decorum due to one single family, that of the monarch, does not admit, in this critical condition of his country, any reduction of the enormous sum of upwards of fifty-six millions of reals, set apart to defray the expenses of that family! He states that a foreign war would be the greatest of all calamities, and one which, being unable to provide for it, they ought to employ every possible means to avert. He proposed some inconsiderable contribution from the clergy, and the whole body was instantly in an uproar. Indeed, I have no doubt that, surrounded as Mr. Gary is, by corruption, by intrigue, and folly, and imbecility, he will be compelled to retire, if he has not already been dismissed, from a post for which he has too much integrity. It has been now about four years since the restoration of Ferdinand; and if, during that period, the whole energies of the monarchy have been directed unsuccessfully against the weakest and most vulnerable of all the American possessions, Venezuela, how is it possible for Spain to encounter the difficulties of a new war with this country? Morillo has been sent out with one of the finest armies that has ever left the shores of Europe—consisting of ten thousand men, chosen from all the veterans who have fought in the Peninsula. It has subsequently been reinforced with about three thousand more. And yet, during the last summer, it was reduced, by the sword and the climate, to about four thousand effective men. And Venezuela, containing a population of only about one million, of which near two-thirds are persons of color, remains unsubdued. The little island of Margaritta, whose population is less than twenty thousand inhabitants—a population fighting for liberty with more than Roman valor—has compelled that army to retire upon the main. Spain, by the late accounts, appeared to be deliberating upon the necessity of resorting to that measure of con-

scription for which Bonaparte has been so much abused. The effect of a war with this country would be to ensure success, beyond all doubt, to the cause of American independence. Those parts even, over which Spain has some prospect of maintaining her dominions, would probably be put in jeopardy. Such a war would be attended with the immediate and certain loss of Florida. Commanding the Gulf of Mexico, as we should be enabled to do by our navy, blockading the port of Havana, the port of La Vera Cruz, and the coast of Terra Firma, and throwing munitions of war into Mexico, Cuba would be menaced—Mexico emancipated—and Morillo's army deprived of supplies, now drawn principally from this country through the Havana, compelled to surrender. The war, I verily believe, would be terminated in less than two years, supposing no other power to interpose.

Will the allies interfere? If, by the exertion of an unquestionable attribute of a sovereign power, we should give no just cause of war to Spain herself, how can it be pretended that we should furnish even a specious pretext to the allies for making war upon us? On what ground could they attempt to justify a rupture with us, for the exercise of a right which we hold in common with them, and with every other independent state? But we have a surer guarantee against their hostility, in their interests. That all the allies, who have any foreign commerce, have an interest in the independence of Spanish America, is perfectly evident. On what ground, I ask, is it likely, then, that they would support Spain, in opposition to their own decided interest? To crush the spirit of revolt, and prevent the progress of free principles? Nations, like individuals, do not sensibly feel, and seldom act upon dangers which are remote either in time or place. Of Spanish America, but little is known by the great body of the population of Europe. Even in this country, the most astonishing ignorance prevails respecting it. Those European statesmen who are acquainted with the country, will reflect, that, tossed by a great revolution, it will most probably constitute four or five several nations, and that the ultimate modification of all their various governments is by no means absolutely certain. But I entertain no doubt that the principle of cohesion among the allies is gone. It was annihilated in the memorable battle of Waterloo. When\* the question was, whether one should engross all, a common danger united all. How long was it, even with a clear perception of that danger, before an effective coalition could be formed? How often did one power



stand by, unmoved and indifferent to the fate of its neighbor, although the destruction of that neighbor removed the only barrier to an attack upon itself? No; the consummation of the cause of the allies was, and all history and all experience will prove it, the destruction of the alliance. The principle is totally changed. It is no longer a common struggle against the colossal power of Bonaparte, but it has become a common scramble for the spoils of his empire. There may, indeed, be one or two points on which a common interest still exists, such as the convenience of subsisting their armies on the vitals of poor suffering France. But as for action—for new enterprises, there is no principle of unity, there can be no accordance of interests, or of views, among them.

What is the condition in which Europe is left after all its efforts? It is divided into two great powers, one having the undisputed command of the land—the other of the water. Paris is transferred to St. Petersburg, and the navies of Europe are at the bottom of the sea, or concentrated in the ports of England. Russia—that huge land animal—awing by the dread of her vast power all continental Europe, is seeking to encompass the Porte; and constituting herself the kraken of the ocean, is anxious to lave her enormous sides in the more genial waters of the Mediterranean. It is said, I know, that she has indicated a disposition to take part with Spain. No such thing. She has sold some old worm-eaten, decayed fir-built ships to Spain, but the crews which navigate them are to return from the port of delivery, and the *bonus* she is to get, I believe to be the island of Minorca, in conformity with the cardinal point of her policy. France is greatly interested in whatever would extend her commerce, and regenerate her marine, and consequently, more than any other power of Europe, England alone excepted, is concerned in the independence of Spanish America. I do not despair of France, so long as France has a legislative body, collected from all its parts, the great repository of its wishes and its will. Already has that body manifested a spirit of considerable independence. And those who, conversant with French history, know what magnanimous stands have been made by the parliaments, bodies of limited extent, against the royal prerogative, will be able to appreciate justly the moral force of such a legislative body. Whilst it exists, the true interests of France will be cherished and pursued on points of foreign policy, in opposition to the pride and interests of the Bourbon family, if the actual dynasty, impelled by this pride, should seek to subserve these interests.



England finds, that, after all her exertions, she is everywhere despised on the continent; her maritime power viewed with jealousy; her commerce subjected to the most onerous restrictions; selfishness imputed to all her policy. All the accounts from France represent that every party, Bonapartists, Jacobins, Royalists, Moderes, Ultras, all burn with indignation towards England, and pant for an opportunity to avenge themselves on the power to whom they ascribe all their disasters.

[Here Mr. C. read a part of a letter which he had just received from an intelligent friend at Paris, and which composed only a small portion of the mass of evidence to the same effect, which had come under his notice.]

It is impossible, that with powers, between whom so much cordial dislike, so much incongruity exists, there can be any union or concert. Whilst the free principles of the French revolution remained; those principles which were so alarming to the stability of thrones, there never was any successful or cordial union; coalition after coalition, wanting the spirit of union, was swept away by the overwhelming power of France. It was not until those principles were abandoned, and Bonaparte had erected on their ruins his stupendous fabric of universal empire—nor indeed until after the frosts of Heaven favored the cause of Europe, that an effective coalition was formed. No, the complaisance inspired in the allies from unexpected, if not undeserved success, may keep them nominally together; but for all purposes of united and combined action, the alliance is gone; and I do not believe in the chimera of their crusading against the independence of a country, whose liberation would essentially promote all their respective interests.

But the question of the interposition of the allies, in the event of our recognising the new Republic, resolves itself into a question whether England, in such event, would make war upon us: if it can be shown that England would not, it results either that the other allies would not, or that, if they should, in which case England would most probably support the cause of America, it would be a war without the maritime ability to maintain it. I contend that England is alike restrained by her honor and by her interests from waging war against us, and consequently against Spanish America, also, for an acknowledgment of the independence of the new state. England en-

couraged and fomented the revolt of the colonies as early as June, 1797. Sir Thomas Picton, governor of Trinidad, in virtue of orders from the British minister of foreign affairs, issued a proclamation, in which he expressly assures the inhabitants of Terra Firma, that the British government will aid in establishing their independence.

"With regard to the hope you entertain of raising the spirits of those persons with whom you are in correspondence, towards encouraging the inhabitants to resist the oppressive authority of their government, I have little more to say than that they may be certain that whenever they are in that disposition, they may receive at your hands all the succors to be expected from his Britannic Majesty, be it with forces or with arms and ammunition to any extent; with the assurance that the views of his Britannic Majesty go no further than to secure to them their independence," &c

In the prosecution of the same object, Great Britain defrayed the expenses of the famous expedition of Miranda. England, in 1811, when she was in the most intimate relations with Spain, then struggling against the French power, assumed the attitude of a mediator between the colonies and the peninsula. The terms on which she conceived her mediation could alone be effectual were rejected by the Cortes, at the lowest state of the Spanish power. Among these terms, England required for the colonies a perfect freedom of commerce, allowing only some degree of preference to Spain; that the appointments of viceroys and governors should be made indiscriminately from Spanish Americans and Spaniards; and that the interior government, and every branch of public administration, should be intrusted to the *cabildo*, or municipalities, &c. If Spain, when Spain was almost reduced to the Island of St. Leon, then rejected those conditions, will she now consent to them, amounting, as they do, substantially, to the independence of Spanish America. If England, devoted as she was at that time to the cause of the Peninsula, even then thought those terms due to the colonies, will she now, when no particular motive exists for cherishing the Spanish power, and after the ingratitude with which Spain has treated her, think that the colonies ought to submit to less favorable conditions? And would not England stand disgraced in the eyes of the whole world, if, after having abetted and excited a revolution, she should now attempt to reduce the colonies to unconditional submission, or should make war upon us for acknowledging that independence which she herself sought to establish?

No guarantee for the conduct of nations or individuals ought to be



stronger than that which honor imposes; but for those who put no confidence in its obligations, I have an argument to urge of more conclusive force. It is founded upon the interests of England. Excluded almost as she is from the continent, the commerce of America, South and North, is worth to her more than the commerce of the residue of the world. That to all Spanish America has been alone estimated at fifteen millions sterling. Its aggregate value to Spanish America and the United States may be fairly stated at upwards of one hundred million dollars. The effect of a war with the two countries would be to divest England of this great interest, at a moment when she is anxiously engaged in repairing the ravages of the European war. Looking to the present moment only, and merely to the interests of commerce, England is concerned more than even this country in the success of the cause of independence in Spanish America. The reduction of the Spanish power in America has been the constant and favorite aim of her policy for two centuries—she must blot out her whole history, reverse the maxims of all her illustrious statesmen, extinguish the spirit of commerce which animates, directs, and controls all her movements, before she can render herself accessary to the subjugation of Spanish America. No commercial advantages which Spain may offer by treaty, can possess the security for her trade, which independence would communicate. The one would be most probably of limited duration, and liable to violation from policy, from interest, or from caprice. The other would be as permanent as independence. That I do not mistake the views of the British cabinet, the recent proclamation of the Prince Regent I think proves. The Committee will remark that the document does not describe the patriots as rebels or insurgents, but, using a term which I have no doubt has been well weighed, it declares the existence of a “state of warfare.” And with regard to English subjects, who are in the armies of Spain, although they entered the service without restriction as to their military duties, it requires that they shall not take part against the colonies. The subjects of England freely supply the patriots with arms and ammunition, and an honorable friend of mine (Col. Johnson) has just received a letter from one of the West India Islands, stating the arrival there from England of the skeletons of three regiments, with many of the men to fill them, destined to aid the patriots. In the Quarterly Review of November last, a journal devoted to the ministry, and a work of the highest authority, as it respects their views—the policy of neutrality is

declared and supported as the true policy of England; and that even if the United States were to take part in the war; and Spain is expressly notified that she cannot and must not expect aid from England.

"In arguing therefore for the advantage of a strict neutrality, we must enter an early protest against any imputations of hostility to the cause of genuine freedom, or of any passion for despotism and the Inquisition. We are no more the panegyrists of legitimate authority in all times, circumstances, and situations, than we are advocates for revolution in the abstract," &c. "But it has been plausibly asserted, that by abstaining from interference in the affairs of South America, we are surrendering to the United States all the advantages which might be secured to ourselves from this revolution; that we are assisting to increase the trade and power of a nation which alone can ever be the maritime rival of England. It appears to us extremely doubtful whether any advantage, commercial or political, can be lost to England by a neutral conduct; it must be observed that the United States themselves have given every public proof of their intention to pursue the same line of policy. But admitting that this conduct is nothing more than a decent pretext; or admitting still farther, that they will afford to the Independents direct and open assistance, our view of the case would remain precisely the same," &c. "To persevere in force, unaided, is to miscalculate her (Spain's) own resources, even to infatuation. To expect the aid of an ally in such a cause would, if that ally were England, be to suppose this country as forgetful of its own past history as of its immediate interests and duties. Far better would it be for Spain, instead of calling for our aid, to profit by our experience; and to substitute, ere it be too late, for efforts like those by which the North American colonies were lost to this country, the conciliatory measures by which they might have been retained."

In the case of the struggle between Spain and her colonies, England, for once at least, has manifested a degree of wisdom highly deserving our imitation, but unfortunately the very reverse of her course has been pursued by us. She has so conducted, by operating upon the hopes of the two parties, as to keep on the best terms with both—to enjoy all the advantages of the rich commerce of both. We have, by a neutrality bill containing unprecedented features; and still more by a late executive measure, to say the least of it, of doubtful constitutional character, contrived to dissatisfy both parties. We have the confidence neither of Spain nor the colonies.

It remains for me to defend the proposition which I meant to submit, from an objection which I have heard intimated, that it interferes with the duties assigned to the executive branch. On this subject I feel the greatest solicitude; for no man more than myself respects the preservation of the independence of the several departments of government, in the constitutional orbits which are prescribed to them. It is my favorite maxim, that each, acting within its proper sphere, should move with its constitutional independence, and under its constitutional responsibility, without influence from any other. I am perfectly aware that the constitution of the United States, and I ad-



mit the proposition in its broadest sense, confides to the executive the reception and the deputation of ministers. But, in relation to the latter operation, Congress has concurrent will, in the power of providing for the payment of their salaries. The instrument nowhere says or implies that the executive act of sending a minister to a foreign country shall precede the legislative act which provides for the payment of his salary. And, in point of fact, our statutory code is full of examples of legislative action prior to executive action, both in relation to the deputation of agents abroad, and to the subject matter of treaties. Perhaps the act of sending a minister abroad, and the act of providing for the allowance of his salary, ought to be simultaneous; but if, in the order of precedence, there be more reason on the one side than on the other, I think it is in favor of the priority of the legislative act, as the safer depository of power. When a minister is sent abroad, although the legislature may be disposed to think his mission useless—although, if previously consulted, they would have said they would not consent to pay such a minister, the duty is delicate and painful to refuse to pay the salary promised to him whom the executive has even unnecessarily sent abroad. I can illustrate my idea by the existing missions to Sweden and to the Netherlands. I have no hesitation in saying, that if we had not ministers of the first grade there, and if the legislature were asked, prior to sending them, whether it would consent to pay ministers of that grade, I would not, and I believe Congress would not, consent to pay them.

If it be urged that, by avowing our willingness, in a legislative act, to pay a minister not yet sent, and whom the President may think it improper to send abroad, we operate upon the President by all the force of our opinion; it may be retorted that when we are called upon to pay any minister, sent under similar circumstances, we are operated upon by all the force of the President's opinion. The true theory of our government at least supposes that each of the two departments, acting on its proper constitutional responsibility, will decide according to its best judgment, under all the circumstances of the case. If we make the previous appropriation, we act upon our constitutional responsibility, and the President afterwards will proceed upon his. And so if he makes the previous appointment. We have the right, after a minister is sent abroad, and we are called upon to pay him, and we ought to deliberate upon the propriety of his mission—we may and ought to grant or withhold his salary. If this

power of deliberation is conceded subsequently to the deputation of the minister, it must exist prior to that deputation. Whenever we deliberate, we deliberate under our constitutional responsibility. Pass the amendment I propose, and it will be passed under that responsibility. Then the President, when he deliberates on the propriety of the mission, will act under his constitutional responsibility. Each branch of government, moving in its proper sphere, will act with as much freedom from the influence of the other as is practically attainable.

There is great reason, from the peculiar character of the American government, for a perfect understanding between the legislative and executive branches, in relation to the acknowledgment of a new power. Everywhere else the power of declaring war resides with the executive. Here it is deposited with the legislature. If, contrary to my opinion, there be even a risk that the acknowledgment of a new state may lead to war, it is advisable that the step should not be taken without a previous knowledge of the will of the war-making branch. I am disposed to give to the President all the confidence which he must derive from the unequivocal expression of our will. This expression I know may be given in the form of an abstract resolution, declaratory of that will; but I prefer at this time proposing an act of practical legislation. And if I have been so fortunate as to communicate to the committee, in any thing like that degree of strength in which I entertain them, the convictions that the cause of the patriots is just—that the character of the war, as waged by Spain, should induce us to wish them success; that we have a great interest in that success; that this interest, as well as our neutral attitude, require us to acknowledge any established government in Spanish America; that the United Provinces of the River Plate is such a government; that we may safely acknowledge its independence, without danger of war from Spain, from the allies, or from England; and that, without unconstitutional interference with the executive power, with peculiar fitness, we may express, in an act of appropriation, our sentiments, leaving him to the exercise of a just and responsible discretion,—I hope the committee will adopt the proposition which I have now the honor of presenting to them, after a respectful tender of my acknowledgments for their attention and kindness, during, I fear, the tedious period I have been so unprofita-

bly trespassing upon their patience. I offer the following amendment to the bill :

"For one year's salary, and an outfit to a minister to the United Provinces of the Rio de la Plata, the salary to commence, and the outfit to be paid, whenever the President shall deem it expedient to send a minister to the said United Provinces, a sum not exceeding eighteen thousand dollars."



## ON THE SEMINOLE WAR.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 8, 1819.

[In the year 1814, General Jackson, then in command of the South Western Military District of the United States, then expecting an invasion from a formidable British force, was aroused by the arrival of a small British force at Pensacola, which was received as friends and allies by the Spanish commander of that post, and the British commander thence issued a Proclamation threatening hostile movements against our government, and inviting the Louisianians to rally around the British standard. It was also a subject of complaint on our part, that the Creek and Seminole Indians engaged in ferocious hostilities against us were sheltered, if not protected in Florida, and that its authorities lacked the power, if not the will to restrain them. Impelled by these provocations, General Jackson, without authority from our government, marched his army into Florida, then the possession of a nation at peace with us, took Pensacola, hung two Indian traders, and committed many acts of great temerity and harshness, not to say cruelty. These high-handed proceedings came under review in Congress in 1819, upon resolutions of censure on General Jackson for exceeding his authority and for tyranny, when Mr. CLAY addressed the House as follows:]

MR. CHAIRMAN:—In rising to address you, sir, on the very interesting subject which now engages the attention of Congress, I must be allowed to say, that all inferences drawn from the course which it will be my painful duty to take in this discussion, of unfriendliness either to the chief magistrate of the country, or to the illustrious military chieftain whose operations are under investigation, will be wholly unfounded. Towards that distinguished captain, who shed so much glory on our country, whose renown constitutes so great a portion of its moral property, I never had, I never can have any other feelings than those of the most profound respect, and of the utmost kindness. With him my acquaintance is very limited, but, so far as it has extended, it has been of the most amicable kind. I know the motives which have been, and which will again be attributed to me, in regard to the other exalted personage alluded to. They have been

and will be unfounded. I have no interest, other than that of seeing the concerns of my country well and happily administered. It is infinitely more gratifying to behold the prosperity of my country advancing by the wisdom of the measures adopted to promote it, than it would be to expose the errors which may be committed, if there be any, in the conduct of its affairs. Little as has been my experience in public life, it has been sufficient to teach me that the most humble station is surrounded by difficulties and embarrassments. Rather than throw obstructions in the way of the President, I would precede him, and pick out those, if I could, which might jostle him in his progress—I would sympathize with him in his embarrassments, and commiserate with him in his misfortunes. It is true, that it has been my mortification to differ from that gentleman on several occasions. I may be again reluctantly compelled to differ from him; but I will with the utmost sincerity assure the committee that I have formed no resolution, come under no engagements, and that I never will form any resolution, or contract any engagements, for systematic opposition to his administration, or to that of any other chief magistrate.

I beg leave further to premise, that the subject under consideration presents two distinct aspects, susceptible, in my judgment, of the most clear and precise discrimination. The one I will call its foreign, the other its domestic aspect. In regard to the first, I will say, that I approve entirely of the conduct of our government, and that Spain has no cause of complaint. Having violated an important stipulation of the treaty of 1795, that power has justly subjected herself to all the consequences which ensued upon the entry into her dominions, and it belongs not to her to complain of those measures which resulted from her breach of contract; still less has she a right to examine into the considerations connected with the domestic aspect of the subject.

What are the propositions before the committee? The first in order is that reported by the military committee, which asserts the disapprobation of this House, of the proceedings in the trial and execution of Arbuthnot and Ambrister. The second, being the first contained in the proposed amendment, is the consequence of that disapprobation, and contemplates the passage of a law to prohibit the execution hereafter of any captive, taken by the army, without the approbation of the President. The third proposition is, that this



House disapproves of the forcible seizure of the Spanish posts, as contrary to orders, and in violation of the constitution. The fourth proposition, as the result of the last, is, that a law shall pass to prohibit the march of the army of the United States, or any corps of it, into any foreign territory, without the previous authorization of Congress, except it be in fresh pursuit of a defeated enemy. The first and third are general propositions, declaring the sense of the House in regard to the evils pointed out; and the second and fourth propose the legislative remedies against the recurrence of those evils.

It will be at once perceived, by this simple statement of the propositions, that no other censure is proposed against General Jackson himself, than what is merely consequential. His name even does not appear in any one of the resolutions. The legislature of the country, in reviewing the state of the Union, and considering the events which have transpired since its last meeting, finds that particular occurrences, of the greatest moment, in many respects, have taken place near our southern border. I will add, that the House has not sought, by any officious interference with the duties of the executive, to gain jurisdiction over this matter. The President, in his message at the opening of the session, communicated the very information on which it was proposed to act. I would ask, for what purpose? That we should fold our arms and yield a tacit acquiescence, even if we supposed that information disclosed alarming events, not merely as it regards the peace of the country, but in respect to its constitution and character? Impossible. In communicating these papers, and voluntarily calling the attention of Congress to the subject, the President must himself have intended that we should apply any remedy that we might be able to devise. Having the subject thus regularly and fairly before us, and proposing merely to collect the sense of the House upon certain important transactions which it discloses, with the view to the passage of such laws as may be demanded by the public interest, I repeat, that there is no censure any where, except such as is strictly consequential upon our legislative action. The supposition of every new law, having for its object to prevent the recurrence of evil, is, that something has happened which ought not to have taken place, and no other than this indirect sort of censure will flow from the resolutions before the committee.

Having thus given my view of the nature and character of the

propositions under consideration, I am far from intimating that it is not my purpose to go into a full, a free, and a thorough investigation of the facts, and of the principles of law, public, municipal, and constitutional, involved in them. And, whilst I trust I shall speak with the decorum due to the distinguished officers of the government whose proceedings are to be examined, I shall exercise the independence which belongs to me as a representative of the people, in freely and fully submitting my sentiments.

In noticing the painful incidents of this war, it is impossible not to inquire into its origin. I fear that it will be found to be the famous treaty of Fort Jackson, concluded in August, 1814; and I must ask the indulgence of the Chairman while I read certain parts of that treaty.

*Whereas* an unprovoked, inhuman, and sanguinary war, waged by the hostile Creeks against the United States, hath been repelled, prosecuted, and determined, successfully on the part of the said States, in conformity with principles of national justice and honorable warfare: and *whereas* consideration is due to the rectitude of proceedings dictated by instructions relating to the re-establishing of peace: be it remembered, that, prior to the conquest of that part of the Creek nation hostile to the United States, numberless aggressions had been committed against the peace, the property, and the lives of citizens of the United States, and those of the Creek Nation in amity with her, at the mouth of Duck river, Fort Mimms, and elsewhere, contrary to national faith, and the regard due to an article of the treaty concluded at New York, in the year 1790, between the two nations: that the United States, previous to the perpetration of such outrages, did, in order to ensure future amity and concord between the Creek Nation and the said States, in conformity with the stipulations of former treaties, fulfil, with punctuality and good faith, her engagements to the said Nation: that more than two-thirds of the whole number of Chiefs and Warriors of the Creek Nation, disregarding the genuine spirit of existing treaties, suffered themselves to be instigated to violations of their national honor, and the respect due to a part of their own nation, faithful to the United States, and the principles of humanity, by impostors, denominating themselves Prophets, and by the duplicity and misrepresentations of foreign emissaries, whose governments are at war, open or understood, with the United States.

Article 2.—The United States will guaranty to the Creek Nation the integrity of all their territory eastwardly and northwardly of the said line, (described in the first Article,) to be run and described as mentioned in the first Article

Article 3.—The United States *demand* that the Creek Nation abandon all communication, and cease to hold intercourse with any British post, garrison, or town; and that they shall not admit among them any agent or trader, who shall not derive authority to hold commercial or other intercourse with them, by license from the President or other authorized agent of the United States.

Article 4.—The United States *demand* an acknowledgment of the right to establish military posts and trading houses, and to open roads within the territory guarantied to the Creek Nation by the second Article, and a right to the free navigation of all its waters.

Article 5.—The United States *demand* that a surrender be immediately made, of all the persons and property taken from the citizens of the United States, the friendly part of the Creek Nation, the Cherokee, Chickasaw, and Choctaw Nations, to the



respective owners; and the United States will cause to be immediately restored to the formerly hostile Creeks all the property taken from them since their submission, either by the United States, or by any Indian Nations in amity with the United States, together with all the prisoners taken from them during the war.

Article 6.—The United States *demand* the caption and surrender of all the *Prophets* and instigators of the war, whether foreigners or natives, who have not submitted to the arms of the United States, and become parties to these articles of capitulation, if ever they shall be found within the territory guaranteed to the Creek Nation by the second Article.

Article 7.—The Creek Nation *being reduced to extreme want*, and not at present having the means of subsistence, the United States, from motives of humanity, will continue to furnish gratuitously the necessaries of life, until the crops of corn can be considered competent to yield the Nation a supply, and will establish trading houses in the Nation, at the discretion of the President of the United States, and at such places as he shall direct, to enable the Nation, by industry and economy, to procure clothing.

I have never perused this instrument until within a few days past, and I have read it with the deepest mortification and regret. A more dictatorial spirit I have never seen displayed in any instrument. I would challenge an examination of all the records of diplomacy, not excepting even those in the most haughty period of imperial Rome, when she was carrying her arms into the barbarian nations that surrounded her, and I do not believe a solitary instance can be found of such an inexorable spirit of domination pervading a compact purporting to be a treaty of *peace*. It consists of the most severe and humiliating demands—of the surrender of a large territory—of the privilege of making roads through the remnant which was retained—of the right of establishing trading houses—of the obligation of delivering into our hands their prophets. And all this of a wretched people reduced to the last extremity of distress, whose miserable existence we have to preserve by a voluntary stipulation to furnish them with bread! When did the all-conquering and desolating Rome ever fail to respect the altars and the gods of those whom she subjugated? Let me not be told that these prophets were impostors, who deceived the Indians. They were *their* prophets—the Indians believed and venerated them and it is not for us to dictate a religious belief to them. It does not belong to the holy character of the religion which we profess, to carry its precepts, by the force of the bayonet, into the bosoms of other people. Mild and gentle persuasion was the great instrument employed by the meek Founder of our religion. We leave to the humane and benevolent efforts of the reverend professors of Christianity to convert from barbarism those unhappy nations yet immersed in its gloom. But, sir, spare them their prophets! spare their delusions

spare their prejudices and superstitions! spare them even their religion, such as it is, from open and cruel violence. When, sir, was that treaty concluded? On the very day, after the protocol was signed, of the first conference between the American and British commissioners, treating of peace, at Ghent. In the course of that negotiation, pretensions so enormous were set up by the other party, that, when they were promulgated in this country, there was one general burst of indignation throughout the continent. Faction itself was silenced, and the firm and unanimous determination of all parties was, to fight until the last man fell in the ditch, rather than submit to such ignominious terms. What a contrast is exhibited between the contemporaneous scenes of Ghent and of Fort Jackson! what a powerful voucher would the British commissioners have been furnished with, if they could have got hold of that treaty! The United States *demand*, the United States *demand*, is repeated five or six times. And what did the preamble itself disclose? That two-thirds of the Creek Nation had been hostile, and one-third only friendly to us. Now I have heard, (I cannot vouch for the truth of the statement,) that not one hostile chief signed the treaty. I have also heard that perhaps one or two of them did. If the treaty were really made by a minority of the Nation, it was not obligatory upon the whole Nation. It was void, considered in the light of a national compact. And, if void, the Indians were entitled to the benefit of the provision of the ninth article of the treaty of Ghent, by which we bound ourselves to make peace with any tribes with whom we might be at war on the ratification of the treaty, and to restore to them their lands, as they held them in 1811. I do not know how the honorable Senate, that body for which I hold so high a respect, could have given their sanction to the treaty of Fort Jackson, so utterly irreconcilable as it is with those noble principles of generosity and magnanimity which I hope to see my country always exhibit, and particularly toward the miserable remnant of the Aborigines. It would have comported better with those principles, to have imitated the benevolent policy of the founder of Pennsylvania, and to have given to the Creeks, conquered as they were, even if they had made an unjust war upon us, the trifling consideration, to them an adequate compensation, which he paid for their lands. That treaty, I fear, has been the main cause of the recent war. And, if it has been, it only adds another melancholy proof to those with which history already abounds, that hard and unconscionable terms, extorted by the power of the sword and



the right of conquest, serve but to whet and stimulate revenge, and to give old hostilities, smothered, not extinguished, by the pretended peace, greater exasperation and more ferocity. A truce, thus patched up with an unfortunate people, without the means of existence, without bread, is no real peace. The instant there is the slightest prospect of relief from such harsh and severe conditions, the conquered party will fly to arms, and spend the last drop of blood rather than live in such degraded bondage. Even if you again reduce him to submission, the expenses incurred by this second war, to say nothing of the human lives that are sacrificed, will be greater than what it would have cost you to grant him liberal conditions in the first instance. This treaty, I repeat it, was, I apprehend, the cause of the war. It led to those excesses on our southern borders which began it. Who first commenced them, it is perhaps difficult to ascertain. There was, however, a paper on this subject, communicated at the last session by the President, that told, in language pathetic and feeling, an artless tale—a paper that carried such internal evidence, at least, of the belief of the authors of it that they were writing the truth, that I will ask the favor of the committee to allow me to read it.

*To the Commanding Officer at Fort Hawkins:*

DEAR SIR,

Since the last war, after you sent word that we must quit the war, we, the red people, have come over on this side. The white people have carried all the red people's cattle off. After the war, I sent to all my people to let the white people alone, and stay on this side of the river; and they did so: but the white people still continued to carry off their cattle. Bernard's son was here, and I inquired of him what was to be done—and he said we must go to the head man of the white people and complain. I did so, and there was no head white man, and there was no law in this case. The whites first began, and there is nothing said about that; but great complaint about what the Indians do. This is now three years since the white people killed three Indians—since that time they have killed three other Indians, and taken their horses, and what they had; and this summer they killed three more; and very lately they killed one more. We sent word to the white people that these murders were done, and the answer was, that they were people that were outlaws, and we ought to go and kill them. The white people killed our people first; the Indians then took satisfaction. There are yet three men that the red people have never taken satisfaction for. You have wrote that there were houses burnt; but we know of no such thing being done: the truth in such cases ought to be told, but this appears otherwise. On that side of the river, the white people have killed five Indians; but there is nothing said about that; and all that the Indians have done is brought up. All the mischief the white people have done, ought to be told to their head man. When there is any thing done, you write to us; but never write to your head man what the white people do. When the red people send talks, or write, they always send the truth. You have sent to us for your horses, and we sent all that we could find; but there were some dead. It appears that all the mischief is laid on this town; but all the mischief that has been done by this town is two horses; one of them is dead, and the other was sent back. The cattle that we are accused of taking were cattle that the white people took from us. Our young men went and brought them back, with the same marks and brands. There were some of our young men



out hunting, and they were killed; others went to take satisfaction, and the kettle of one of the men that was killed was found in the house where the woman and two children were killed; and they supposed it had been her husband who had killed the Indians, and took their satisfaction there. We are accused of killing the Americans, and so on; but since the word was sent to us that peace was made, we stay steady at home, and meddle with no person. You have sent to us respecting the black people on the Suwany river; we have nothing to do with them. They were put there by the English, and to them you ought to apply for any thing about them. We do not wish our country desolated by an army passing through it, for the concern of other people. The Indians have slaves there also; a great many of them. When we have an opportunity we shall apply to the English for them, but we can not get them now.

This is what we have to say at present.

Sir, I conclude by subscribing myself,

Your humble servant, &c.

September, the 11th day, 1817.

N. B.—There are ten towns have read this letter, and this is the answer.

*A true copy of the original.*

WM. BELL, Aid-de-camp.

I should be very unwilling to assert, in regard to this war, that the fault was on our side; I fear it was. I have heard that a very respectable gentleman, now no more, who once filled the executive chair of Georgia, and who, having been agent of Indian affairs in that quarter, had the best opportunity of judging of the origin of this war, deliberately pronounced it as his opinion that the Indians were not in fault. I am far from attributing to General Jackson any other than the very slight degree of blame that attaches to him as the negotiator of the treaty of Fort Jackson, and will be shared by those who subsequently ratified and sanctioned that treaty. But if there be even a doubt as to the origin of the war, whether we were censurable or the Indians, that doubt will serve to increase our regret at any distressing incidents which may have occurred, and to mitigate, in some degree, the crimes which we impute to the other side. I know that when General Jackson was summoned to the field, it was too late to hesitate—the fatal blow had been struck, in the destruction of Fowl-town, and the dreadful massacre of Lieutenant Scott and his detachment; and the only duty which remained to him, was to terminate this unhappy contest.

The first circumstance which, in the course of his performing that duty, fixed our attention, has filled me with regret. It was the execution of the Indian chiefs. How, I ask, did they come into our possession? Was it in the course of fair, and open, and honorable war? No, but by means of deception—by hoisting foreign colors on

the staff from which the stars and stripes should alone have floated. Thus insuared, the Indians were taken on shore, and without ceremony, and without delay, were hung. Hang an Indian ! We, sir, who are civilized, and can comprehend and feel the effect of moral causes and considerations, attach ignominy to that mode of death. And the gallant, and refined, and high-minded man, seeks by all possible means to avoid it. But what cares an Indian whether you hang or shoot him ? The moment he is captured, he is considered by his tribe as disgraced, if not lost. They, too, are indifferent about the manner in which he is despatched. But I regard the occurrence with grief for other and higher considerations. It was the first instance that I know of, in the annals of our country, in which retaliation, by executing Indian captives, has ever been deliberately practised. There may have been exceptions, but if there are, they met with contemporaneous condemnation, and have been reprehended by the just pen of impartial history. The gentleman from Massachusetts may tell me, if he chooses, what he pleases about the tomahawk and scalping knife—about Indian enormities, and foreign miscreants and incendiaries. I, too, hate them ; from my very soul I abominate them. But I love my country, and its constitution ; I love liberty and safety, and fear military despotism more, even, than I hate these monsters. The gentleman, in the course of his remarks, alluded to the State from which I have the honor to come. Little, sir, does he know of the high and magnanimous sentiments of the people of that State, if he supposes they will approve of the transaction to which he referred. Brave and generous, humanity and clemency towards a fallen foe constitute one of their noblest characteristics. Amidst all the struggles for that fair land between the natives and the present inhabitants, I defy the gentleman to point out one instance in which a Kentuckian has stained his hand by—nothing but my high sense of the distinguished services and exalted merits of General Jackson prevents my using a different term—the execution of an unarmed and prostrate captive. Yes, there is one solitary exception, in which a man, enraged at beholding an Indian prisoner, who had been celebrated for his enormities, and who had destroyed some of his kindred, plunged his sword into his bosom. The wicked deed was considered as an abominable outrage when it occurred, and the name of the man has been handed down to the execration of posterity. I deny your right thus to retaliate on the aboriginal proprietors of the country ; and unless I am utterly deceived, it may be shown that it does not exist. But before I at-

tempt this, allow me to make the gentleman from Massachusetts a little better acquainted with those people, to whose feelings and sympathies he has appealed through their representative. During the late war with Great Britain, Colonel Campbell, under the command of my honorable friend from Ohio, (General Harrison,) was placed at the head of a detachment consisting chiefly, I believe, of Kentucky volunteers, in order to destroy the Mississinaway towns. They proceeded and performed the duty, and took some prisoners. And here is the evidence of the manner in which they treated them.

"But the character of this gallant detachment, exhibiting, as it did, perseverance, fortitude, and bravery, would, however, be incomplete, if, in the midst of victory, they had forgotten the feelings of humanity. It is with the sincerest pleasure that the general has heard, that the most punctual obedience was paid to his orders, in not only saving all the women and children, but in *sparing all the warriors who ceased to resist*; and that even when vigorously attacked by the enemy, the claims of mercy prevailed over every sense of their own danger, and this heroic band *respected the lives of their prisoners*. Let an account of murdered innocence be opened in the records of heaven against our enemies alone. The American soldier will follow the example of his government, and the sword of the one will not be raised against the fallen and the helpless, nor the gold of the other be paid for scalps of a massacred enemy."

I hope, sir, the honorable gentleman will now be able better to appreciate the character and conduct of my gallant countrymen than he appears hitherto to have done.

But, sir, I have said that you have no right to practise, under color of retaliation, enormities on the Indians. I will advance in support of this position, as applicable to the origin of all law, the principle, that whatever has been the custom, from the commencement of a subject, whatever has been the uniform usage co-eval and co-existent with the subject to which it relates, becomes its fixed law. Such is the foundation of all common law; and such, I believe, is the principal foundation of all public or international law. If, then, it can be shown that from the first settlement of the colonies, on this part of the American continent, to the present time, we have constantly abstained from retaliating upon the Indians the excesses practised by them towards us, we are morally bound by this invariable usage, and cannot lawfully change it without the most cogent reasons. So far as my knowledge extends, from the first settlement at Plymouth or at Jamestown, it has not been our practice to destroy Indian captives, combatants or non-combatants. I know of but one deviation from the code which regulates the warfare between civilized communities,



and that was the destruction of Indian towns, which was supposed to be authorized upon the ground that we could not bring the war to a termination but by destroying the means which nourished it. With this single exception, the other principles of the laws of civilized nations are extended to them, and are thus made law in regard to them. When did this humane custom, by which, in consideration of their ignorance, and our enlightened condition, the rigors of war were mitigated, begin? At a time when we were weak, and they comparatively strong—when they were the lords of the soil, and we were seeking, from the vices, from the corruptions, from the religious intolerance, and from the oppressions of Europe, to gain an asylum among them. And when is it proposed to change this custom, to substitute for it the bloody maxims of barbarous ages, and to interpolate the Indian public law with revolting cruelties? At a time when the situation of the two parties is totally changed—when we are powerful and they are weak—at a time when, to use a figure drawn from their own sublime eloquence, the poor children of the forest have been driven by the great wave which has flowed in from the Atlantic ocean almost to the base of the Rocky mountains, and, overwhelming them in its terrible progress, has left no other remains of hundreds of tribes now extinct, than those which indicate the remote existence of their former companion, the Mammoth of the New World! Yes, sir, it is at this auspicious period of our country, when we hold a proud and lofty station among the first nations of the world, that we are called upon to sanction a departure from the established laws and usages which have regulated our Indian hostilities. And does the honorable gentleman from Massachusetts expect, in this august body, this enlightened assembly of Christians and Americans, by glowing appeals to our passions, to make us forget our principles, our religion, our clemency, and our humanity? Why is it that we have not practised towards the Indian tribes the right of retaliation, now for the first time asserted in regard to them? It is because it is a principle proclaimed by reason, and enforced by every respectable writer on the law of nations, that retaliation is only justifiable as calculated to produce effect in the war. Vengeance is a new motive for resorting to it. If retaliation will produce no effect on the enemy, we are bound to abstain from it by every consideration of humanity and of justice, Will it, then, produce effect on the Indian tribes? No—they care not about the execution of those of their warriors who are taken captive. They are considered as disgraced by the very circumstance of their

captivity, and it is often mercy to the unhappy captive to deprive him of his existence. The poet evinced a profound knowledge of the Indian character, when he put into the mouth of the son of a distinguished chief, about to be led to the stake and tortured by his victorious enemy, the words :

"Begin, ye tormentors! your threats are in vain :  
The son of Alknomook will never complain."

Retaliation of Indian excesses not producing then any effect in preventing their repetition, is condemned by both reason and the principles upon which alone, in any case, it can be justified. On this branch of the subject much more might be said, but as I shall possibly again allude to it, I will pass from it, for the present, to another topic

It is not necessary, for the purpose of my argument in regard to the trial and execution of Arbuthnot and Ambrister, to insist on the innocence of either of them. I will yield for the sake of that argument, without inquiry, that both of them were guilty ; that both had instigated the war ; and that one of them had led the enemy to battle. It is possible, indeed, that a critical examination of the evidence would show, particularly in the case of Arbuthnot, that the whole amount of his crime consisted in his trading, without the limits of the United States, with the Seminole Indians, in the accustomed commodities which form the subject of Indian trade, and that he sought to ingratiate himself with his customers by espousing their interests, in regard to the provision of the treaty of Ghent, which he may have honestly believed entitled them to the restoration of their lands. And if, indeed, the treaty of Fort Jackson, for the reasons already assigned, were not binding upon the Creeks, there would be but too much cause to lament his unhappy if not unjust fate. The first impression made on the examination of the proceedings in the trial and execution of those two men is, that on the part of Ambrister there was the most guilt, but, at the same time, the most irregularity. Conceding the point of guilt of both, with the qualification which I have stated, I will proceed to inquire, first, if their execution can be justified upon the principles assumed by General Jackson himself. If they do not afford a justification, I will next inquire, if there be any other principles authorizing their execution ; and I will in the third place make some other observations upon the mode of proceeding.

The principle assumed by General Jackson, which may be found in his general orders commanding the execution of these men, is, "that it is an established principle of the law of nations, that any individual of a nation making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate." Whatever may be the character of individuals waging private war, the principle assumed is totally erroneous when applied to such individuals associated with a power, whether Indian or civilized, capable of maintaining the relations of peace and war. Suppose, however, the principle were true, as asserted, what disposition should he have made of these men? What jurisdiction, and how acquired, has the military over pirates, robbers, and outlaws? If they were in the character imputed, they were alone amenable, and should have been turned over to the civil authority. But the principle, I repeat, is totally incorrect, when applied to men in their situation. A foreigner connecting himself with a belligerent, becomes an enemy of the party to whom that belligerent is opposed, subject to whatever he may be subject, entitled to whatever he is entitled. Arbutnot and Ambrister, by associating themselves, became identified with the Indians; they became our enemies, and we had a right to treat them as we could lawfully treat the Indians. These positions are so obviously correct, that I shall consider it an abuse of the patience of the committee to consume time in their proof. They are supported by the practice of all nations, and of our own. Every page of history, in all times, and the recollection of every member, furnish evidence of their truth. Let us look for a moment into some of the consequences of this principle, if it were to go to Europe, sanctioned by the approbation, express or implied, of this House. We have now in our armies probably the subjects of almost every European power. Some of the nations of Europe maintain the doctrine of perpetual allegiance. Suppose Britain and America in peace, and America and France at war. The former subjects of England, naturalized and unnaturalized, are captured by the navy or army of France. What is their condition? According to the principle of General Jackson, they would be outlaws and pirates, and liable to immediate execution. Are gentlemen prepared to return to their respective districts with this doctrine in their mouths, and to say to their Irish, English, Scotch, and other foreign constituents, that they are liable, on the contingency supposed, to be treated as outlaws and pirates?



Is there any other principle which justifies the proceedings? On this subject, if I admire the wonderful ingenuity with which gentlemen seek a colorable pretext for those executions, I am at the same time shocked at some of the principles advanced. What said the honorable gentleman from Massachusetts (Mr. Holmes) in a cold address to the committee? Why, that these executions were only the wrong mode of doing a right thing. A wrong mode of doing a right thing! In what code of public law; in what system of ethics; nay, in what respectable novel; where, if the gentleman were to take the range of the whole literature of the world, will he find any sanction for a principle so monstrous? I will illustrate its enormity by a single case. Suppose a man, being guilty of robbery, is tried, condemned, and executed for murder, upon an indictment for that robbery merely. The judge is arraigned for having executed, contrary to law, a human being, innocent at heart of the crime for which he was sentenced. The judge has nothing to do, to ensure his own acquittal, but to urge the gentleman's plea, that he had done a right thing in a wrong way!

The principles which attached to the cases of Arbuthnot and Ambrister, constituting them merely *participes* in the war, supposing them to have been combatants, which the former was not, he having been taken in a Spanish fortress, without arms in his hands, all that we could possibly have a right to do, was to apply to them the rules which we had a right to enforce against the Indians. Their English character was only merged in their Indian character. Now, if the law regulating Indian hostilities be established by long and immemorial usage, that we have no moral right to retaliate upon them, we consequently had no right to retaliate upon Arbuthnot and Ambrister. Even if it were admitted that, in regard to future wars, and to other foreigners, their execution may have a good effect, it would not thence follow that you had a right to execute them. It is not always just to do what may be advantageous. And retaliation, during a war, must have relation to the events of that war, and must, to be just, have an operation on that war, and upon the individuals only who compose the belligerent party. It becomes gentlemen, then, on the other side, to show, by some known, certain, and recognised rule of public or municipal law, that the execution of these men was justified. Where is it? I should be glad to see it. We are told in a paper emanating from the department of state, recently laid before this House,

distinguished for the fervor of its eloquence, and of which the honorable gentleman from Massachusetts has supplied us in part with a second edition, in one respect agreeing with the prototype, that they both ought to be inscribed to the American public—we are justly told in that paper, that this is the *first* instance of the execution of persons for the crime of instigating Indians to war. Sir, there are two topics which, in Europe, are constantly employed by the friends and minions of legitimacy against our country. The one is an inordinate spirit of aggrandizement—of coveting other people's goods; the other is the treatment which we extend to the Indians. Against both these charges, the public servants who conducted at Ghent the negotiations with the British commissioners, endeavored to vindicate our country, and I hope with some degree of success. What will be the condition of future American negotiators, when pressed upon this head, I know not, after the unhappy executions on our southern border. The gentleman from Massachusetts seemed yesterday to read, with a sort of triumph, the names of the commissioners employed in the negotiation at Ghent. Will he excuse me for saying, that I thought he pronounced, even with more complacency, and with a more gracious smile, the first name in the commission, than he emphasized that of the humble individual who addresses you.

[Mr. Holmes desired to explain.]

There is no occasion for explanation; I am perfectly satisfied.

[Mr. Holmes, however, proceeded to say that his intention was, in pronouncing the gentleman's name, to add to the respect due to the negotiator that which was due to the Speaker of this House.]

To return to the case of Arbuthnot and Ambrister. Will the principle of these men having been the instigators of the war, justify their execution? It is a new one; there are no landmarks to guide us in its adoption, or to prescribe limits in its application. If William Pitt had been taken by the French army, during the late European war, could France have justifiably executed him on the ground of his having notoriously instigated the continental powers to war against France? Would France, if she had stained her character by executing him, have obtained the sanction of the world to the act, by appeals to the passions and prejudices, by pointing to the cities sacked, the countries laid waste, the human lives sacrificed in the wars which he had kindled, and by exclaiming to the unfortunate captive. You!



miscreant, monster, have occasioned all these scenes of devastation and blood? What has been the conduct even of England towards the greatest instigator of all the wars of the present age? The condemnation of that illustrious man to the rock of St. Helena, is a great blot on the English name. And I repeat what I have before said, that if Chatham, or Fox, or even William Pitt himself, had been prime minister in England, Bonaparte had never been so condemned. On that transaction history will one day pass its severe but just censure. Yes, although Napoleon had desolated half Europe; although there was scarcely a power, however humble, that escaped the mighty grasp of his ambition; although in the course of his splendid career he is charged with having committed the greatest atrocities, disgraceful to himself and to human nature, yet even his life has been spared. The allies would not, England would not, execute him upon the ground of his being an instigator of wars.

The mode of the trial and sentencing these men was equally objectionable with the principles on which it has been attempted to prove a forfeiture of their lives. I know the laudable spirit which prompted the ingenuity displayed in finding out a justification for these proceedings. I wish most sincerely that I could reconcile them to my conscience. It has been attempted to vindicate the General upon grounds which I am persuaded he would himself disown. It has been asserted, that he was guilty of a mistake in calling upon the court to try them, and that he might have at once ordered their execution, without that formality. I deny that there was any such absolute right in the commander of any portion of our army. The right of retaliation is an attribute of sovereignty. It is comprehended in the war-making power that Congress possesses. It belongs to this body not only to declare war, but to raise armies, and to make rules and regulations for their government. It is in vain for gentlemen to look to the law of nations for instances in which retaliation is lawful. The laws of nations merely lay down the *principle or rule*; it belongs to the government to constitute the tribunal for applying that principle or rule. There is, for example, no instance in which the death of a captive is more certainly declared by the law of nations to be justifiable, than in the case of spies. Congress has accordingly provided, in the rules and articles of war, a tribunal for the trial of spies, and consequently for the application of the principle of the national law. The legislature has not left the power over spies undefined, to the

mere discretion of the commander-in-chief, or of any subaltern officer in the army. For, if the doctrines now contended for were true, they would apply to the commander of any corps, however small, acting as a detachment. Suppose Congress had not legislated in the case of spies, what would have been their condition? It would have been a *casus omissus*, and although the public law pronounced their doom, it could not be executed, because Congress had assigned no tribunal for enforcing that public law. No man can be executed in this free country without two things being shown: 1st, That the law condemns him to death; and 2d, That his death is pronounced by that tribunal which is authorized by the law to try him. These principles will reach every man's case, native or foreign, citizen or alien. The instant quarters are granted to a prisoner, the majesty of the law surrounds and sustains him, and he cannot be lawfully punished with death without the concurrence of the two circumstances just insisted upon. I deny that any commander-in-chief, in this country, has this absolute power of life and death, at his sole discretion. It is contrary to the genius of all our laws and institutions. To concentrate in the person of one individual the powers to make the rule, to judge and to execute the rule, or to judge and execute the rule only, is utterly irreconcilable with every principle of free government, and is the very definition of tyranny itself; and I trust that this House will never give even a tacit assent to such a principle. Suppose the commander had made even reprisals on property, would that property have belonged to the nation, or could he have disposed of it as he pleased? Had he more power, will gentlemen tell me, over the lives of human beings than over property? The assertion of such a power to the commander-in-chief is contrary to the practice of the government. By an act of Congress which passed in 1799, vesting the power of retaliation in certain cases in the President of the United States—an act which passed during the *quasi* war with France, the President is authorized to retaliate upon any of the citizens of the French republic, the enormities which may be practised, in certain cases, upon our citizens. Under what administration was this act passed? It was under that which has been justly charged with stretching the constitution to enlarge the executive powers. Even during the mad career of Mr. Adams, when every means was resorted to for the purpose of infusing vigor into the executive arm, no one thought of claiming for him the inherent right of retaliation. I will not trouble the House with reading another law, which passed thirteen or fourteen years



after, during the late war with Great Britain, under the administration of that great constitutional President, the father of the instrument itself, by which Mr. Madison was empowered to retaliate on the British in certain instances. It is not only contrary to the genius of our institutions, and to the uniform practice of the government, but it is contrary to the obvious principles on which the General himself proceeded; for, in forming the court, he evidently intended to proceed under the rules and articles of war. The extreme number which they provide for is thirteen, precisely that which is detailed in the present instance. The court proceeded not by a bare plurality, but by a majority of two-thirds. In the general orders issued from the Adjutant General's office, at head quarters, it is described as a *court-martial*. The prisoners are said, in those orders, to have been *tried* "on the following *charges and specifications*." The court understood itself to be acting as a court-martial. It was so organized, it so proceeded, having a judge-advocate, hearing witnesses, and the *written* defence of the miserable trembling prisoners, who seemed to have a presentiment of their doom. And the court was finally dissolved. The whole proceeding manifestly shows, that all parties considered it as a court-martial, convened and acting under the rules and articles of war. In his letter to the Secretary of War, noticing the transaction, the General says: "These individuals were tried under my orders, *legally* convicted as excitors of this savage and negro war, *legally* condemned, and most justly punished for their iniquities." The Lord deliver us from such legal conviction, and such legal condemnation! The General himself considered the laws of his country to have justified his proceedings. It is in vain then to talk of a power in him beyond the law, and above the law, when he himself does not assert it. Let it be conceded that he was clothed with absolute authority over the lives of those individuals, and that, upon his own fiat, without trial, without defence, he might have commanded their execution. Now, if an absolute sovereign, in any particular respect promulgates a rule, which he pledges himself to observe, if he subsequently deviates from that rule, he subjects himself to the imputation of odious tyranny. If General Jackson had the power, without a court, to condemn these men, he had also the power to appoint a tribunal. He did appoint a tribunal, and became, therefore, morally bound to observe and execute the sentence of that tribunal. In regard to Ambrister, it is with grief and pain I am compelled to say, that he was executed in defiance of all law; in defiance of the law to

which General Jackson had voluntarily, if you please, submitted himself, and given, by his appeal to the court, his implied pledge to observe. I know but little of military law, and what has happened, has certainly not created in me a taste for acquiring a knowledge of more; but I believe there is no example on record, where the sentence of the court has been erased, and a sentence not pronounced by it carried into execution. It has been suggested that the court had pronounced two sentences, and that the General had a right to select either. Two sentences! Two verdicts! It was not so. The first being revoked, was as though it had never been pronounced. And there remained only one sentence, which was put aside upon the sole authority of the commander, and the execution of the prisoner ordered. He either had or had not a right to decide upon the fate of that man, with the intervention of a court. If he had the right, he waived it, and having violated the sentence of the court, there was brought upon the judicial administration of the army a reproach, which must occasion the most lasting regret.

However guilty these men were, they should not have been condemned or executed without the authority of the law. I will not dwell, at this time, on the effect of these precedents in foreign countries; but I shall not pass unnoticed their dangerous influence in our own country. Bad examples are generally set in the cases of bad men, and often remote from the central government. It was in the provinces that were laid the abuses and the seeds of the ambitious projects which overturned the liberties of Rome. I beseech the committee not to be so captivated with the charms of eloquence, and the appeals made to our passions and our sympathies, as to forget the fundamental principles of our government. The influence of a bad example will often be felt, when its authors and all the circumstances connected with it are no longer remembered. I know of but one analogous instance of the execution of a prisoner, and that has brought more odium than almost any other incident on the unhappy emperor of France. I allude to the instance of the execution of the unfortunate member of the Bourbon house. He sought an asylum in the territories of Baden. Bonaparte despatched a corps of *gen-d'armes* to the place of his retreat, seized him, and brought him to the dungeons of Vincennes. He was there tried by a court-martial, condemned, and shot. There, as here, was a violation of neutral territory: there the neutral ground was not stained with the blood of him



whom it should have protected. And there is another most unfortunate difference for the American people. The Duke D'Enghein was executed *according to his sentence*. It is said by the defenders of Napoleon, that the duke had been machinating not merely to overturn the French government, but against the life of its chief. If that were true, he might, if taken in France, have been legally executed. Such was the odium brought upon the instruments of this transaction, that those persons who have been even suspected of participation in it, have sought to vindicate themselves from what they appear to have considered as an aspersion, before foreign courts. In conclusion of this part of my subject, I most cheerfully and entirely acquit General Jackson of any intention to violate the laws of the country, or the obligations of humanity. I am persuaded, from all that I have heard, that he considered himself as equally respecting and observing both. With respect to the purity of his intentions, therefore, I am disposed to allow it in the most extensive degree. Of his *acts*, it is my duty to speak with the freedom which belongs to my station. And I shall now proceed to consider some of them, of the most momentous character, as it regards the distribution of the powers of government.

Of all the powers conferred by the constitution of the United States, not one is more expressly and exclusively granted than that which gives to Congress the power to declare war. The immortal convention who formed that instrument, had abundant reason, drawn from every page of history, for confiding this tremendous power to the deliberate judgment of the representatives of the people. It was there seen that nations are often precipitated into ruinous war from folly, from pride, from ambition, and from the desire of military fame. It was believed, no doubt, in committing this great subject to the legislature of the Union, we should be safe from the mad wars that have afflicted, and desolated, and ruined other countries. It was supposed that before any war was declared, the nature of the injury complained of would be carefully examined, and the power and resources of the enemy estimated, and the power and resources of our own country, as well as the probable issue and consequences of the war. It was to guard our country against precisely that species of rashness which has been manifested in Florida, that the constitution was so framed. If, then, this power, thus cautiously and clearly bestowed upon Congress, has been assumed and exercised by any other functionary of

the government, it is cause of serious alarm, and it becomes this body to vindicate and maintain its authority by all the means in its power; and yet there are some gentlemen, who would have us not merely to yield a tame and silent acquiescence in the encroachment, but even to pass a vote of thanks to the author.

On the twenty-fifth of March, 1818, the President of the United States communicated a message to Congress in relation to the Seminole war, in which he declared that although, in the prosecution of it, orders had been given to pass into the Spanish territory, they were so guarded as that the local authorities of Spain should be respected. How respected? The President, by the documents accompanying the message, the orders themselves which issued from the department of war to the commanding general, had assured the legislature that, even if the enemy should take shelter under a Spanish fortress, the fortress was not to be attacked, but the fact to be reported to that department for further orders. Congress saw, therefore, that there was no danger of violating the existing peace. And yet, on the same twenty-fifth day of March, (a most singular concurrence of dates,) when the representatives of the people received this solemn message, announced in the presence of the nation and in the face of the world, and in the midst of a friendly negotiation with Spain, does General Jackson write from his head-quarters, that he shall take St. Marks as a necessary depot for his military operations! The General states, in his letter, what he had heard about the threat on the part of the Indians and Negroes, to occupy the fort, and declares his purpose to possess himself of it, in either of the two contingencies, of its being in their hands, or in the hands of the Spaniards. He assumed a right to judge what Spain was bound to do by her treaty, and judged very correctly; but then he also assumed the power, belonging to Congress alone, of determining what should be the effect and consequence of her breach of engagement. General Jackson generally performs what he intimates his intention to do. Accordingly, finding St. Marks yet in the hands of the Spaniards, he seized and occupied it. Was ever, I ask, the just confidence of the legislative body, in the assurances of the chief magistrate, more abused? The Spanish commander intimated his willingness that the American army should take post near him, until he could have instructions from his superior officer, and promised to maintain in the mean time the most friendly relations. No! St. Marks was a convenient post for the American



army, and delay was inadmissible. I have always understood that the Indians but rarely take or defend fortresses, because they are unskilled in the modes of attack and defence. The threat, therefore, on their part, to seize on St. Marks must have been empty, and would probably have been impossible. At all events, when General Jackson arrived there, no danger any longer threatened the Spaniards from the miserable fugitive Indians, who fled on all sides upon his approach. And, sir, upon what plea is this violation of orders, and this act of war upon a foreign power, attempted to be justified? Upon the grounds of the conveniency of the depot and the Indian threat. The first I will not seriously examine and expose. If the Spanish character of the fort had been totally merged in the Indian character, it might have been justifiable to seize it. But that was not the fact, and the bare possibility of its being forcibly taken by the Indians, could not justify our anticipating their blow. Of all the odious transactions which occurred during the late war between France and England, none was more condemned in Europe and in this country, than her seizure of the fleet of Denmark at Copenhagen. And I lament to be obliged to notice the analogy which exists in the defences made of the two cases. If my recollection does not deceive me, Bonaparte had passed the Rhine and the Alps, had conquered Italy, the Netherlands, Holland, Hanover, Lubec, and Hamburg, and extended his empire as far as Altona on the side of Denmark. A few days' march would have carried him through Holstein, over the two Belts, through Funen, and into the island of Zealand. What then was the conduct of England? It was my lot to fall into conversation with an intelligent Englishman on this subject. "We knew (said he) that we were fighting for our existence. It was absolutely necessary that we should preserve the command of the seas. If the fleet of Denmark fell into the enemy's hands, combined with his other fleets, that command might be rendered doubtful. Denmark had only a nominal independence. She was, in truth, subject to his sway. We said to her, Give us your fleet; it will otherwise be taken possession of by your secret and our open enemy. We will preserve it, and restore it to you whenever the danger shall be over. Denmark refused. Copenhagen was bombarded, gallantly defended, but the fleet was seized." Everywhere the conduct of England was censured; and the name even of the negotiator who was employed by her, who was subsequently the minister near this government, was scarcely ever pronounced here without coupling with it an epi-

thet indicating his participation in the disgraceful transaction. And yet we are going to sanction acts of violence, committed by ourselves, which but too much resemble it! What an important difference, too, between the relative condition of England and of this country! She perhaps was struggling for her existence. She was combating, single-handed, the most enormous military power that the world has ever known. With whom were we contending? With a few half-starved, half-clothed, wretched Indians, and fugitive slaves. And, whilst carrying on this inglorious war,—inglorious as it regards the laurels or renown won in it,—we violate neutral rights, which the government had solemnly pledged itself to respect, upon the principle of convenience, or upon the light presumption that, by possibility, a post might be taken by this miserable combination of Indians and slaves.

On the 8th of April, the General writes from St. Marks, that he shall march for the Suwaney river; the destroying of the establishments on which will, in his opinion, bring the war to a close. Accordingly, having effected that object, he writes, on the 20th of April, that he believes he may say that the war is at an end for the present. He repeats the same opinion in his letter to the Secretary of War, written six days after. The war being thus ended, it might have been hoped that no further hostilities would be committed. But on the 23d of May, on his way home, he receives a letter from the commandant of Pensacola, intimating his surprise at the invasion of the Spanish territory, and the acts of hostility performed by the American army, and his determination, if persisted in, to employ force to repel them. Let us pause and examine this proceeding of the governor, so very hostile and affrontive in the view of General Jackson. Recollect that he was governor of Florida; that he had received no orders from his superiors, to allow a passage to the American army; that he had heard of the reduction of St. Marks; and that General Jackson, at the head of his army, was approaching in the direction of Pensacola. He had seen the President's message of the 25th of March, and reminded General Jackson of it, to satisfy him that the American government could not have authorized all those measures. I cannot read the allusion made by the governor to that message, without feeling that the charge of insincerity, which it implied, had at least but too much the appearance of truth in it. Could the governor have done less than write some such letter? We have only to reverse situations, and to suppose him to have been an American



governor. General Jackson says, that when he received that letter, he no longer hesitated. No sir, he did no longer hesitate. He received it on the 23d, he was in Pensacola on the 24th, and immediately after set himself before the fortress of San Carlos de Barancas, which he shortly reduced. *Veni, vidi, vici.* Wonderful energy! Admirable promptitude. Alas, that it had not been an energy and a promptitude within the pale of the constitution, and according to the orders of the chief magistrate. It is impossible to give any definition of war, that would not comprehend these acts. It was open, undisguised, and unauthorized hostility.

The honorable gentleman from Massachusetts has endeavored to derive some authority to General Jackson from the message of the President, and the letter of the Secretary of War to Governor Bibb. The message declares, that the Spanish authorities are to be respected wherever maintained. What the President means by their being maintained, is explained in the orders themselves, by the extreme case being put of the enemy seeking shelter under a Spanish fort. If even in that case he was not to attack, certainly he was not to attack in any case of less strength. The letter to Governor Bibb admits of a similar explanation. When the Secretary says, in that letter, that General Jackson is fully empowered to bring the Seminole war to a conclusion, he means that he is so empowered by his orders, which, being now before us, must speak for themselves. It does not appear that General Jackson ever saw that letter, which was dated at this place after the capture of St. Marks. I will take a momentary glance at the orders. On the 2d of December, 1817, General Gaines was forbidden to cross the Florida line. Seven days after, the Secretary of War having arrived here, and infused a little more energy into our councils, he was authorized to use a sound discretion in crossing or not. On the 16th, he was instructed again to consider himself at liberty to cross the line, and pursue the enemy; but, *if he took refuge under a Spanish fortress, the fact was to be reported to the department of war.* These orders were transmitted to General Jackson, and constituted, or ought to have constituted, his guide. There was then no justification for the occupation of Pensacola, and the attack on the Barancas, in the message of the President, the letter to Governor Bibb, or in the orders themselves. The gentleman from Massachusetts will pardon me for saying, that he has undertaken what even his talents are not competent to—the maintenance of directly contradic-

tory propositions, that it was right in General Jackson to take Pensacola, and wrong in the President to keep it. The gentleman has made a greater mistake than he supposes General Jackson to have done in attacking Pensacola for an Indian town, by attempting the defence both of the President and General Jackson. If it were right in him to seize the place, it is impossible that it should have been right in the President immediately to surrender it. We, sir, are the supporters of the President. We regret that we cannot support General Jackson also. The gentleman's liberality is more comprehensive than ours. I approve with all my heart of the restoration of Pensacola. I think St. Marks ought, perhaps, to have been also restored; but I say this with doubt and diffidence. That the President thought the seizure of the Spanish posts was an act of war, is manifest from his opening message, in which he says that, to have retained them, would have changed our relations with Spain, to do which the power of the executive was incompetent, Congress alone possessing it. The President has, in this instance, deserved well of his country. He has taken the only course which he could have pursued, consistent with the constitution of the land. And I defy the gentleman to make good both his positions, that the General was right in taking, and the President right in giving up the posts.

[Mr. Holmes explained. We took these posts, he said, to keep them from the hands of the enemy, and, in restoring them, made it a condition that Spain should not let our enemy have them. We said to her, Here is your dagger; we found it in the hands of our enemy, and, having wrested it from him, we restore it to you, in the hope that you will take better care of it for the future.]

The gentleman from Massachusetts is truly unfortunate; fact or principle is always against him. The Spanish posts were not in the possession of the enemy. One old Indian only was found in the Barancas, none in Pensacola, none in St. Marks. There was not even the color of a threat of Indian occupation as it regards Pensacola and the Barancas. Pensacola was to be restored unconditionally, and might, therefore, immediately have come into the possession of the Indians, if they had the power and the will to take it. The gentleman is in a dilemma, from which there is no escape. He gave up General Jackson when he supported the President, and gave up the President when he supported General Jackson. I rejoice to have seen the President manifesting, by the restoration of Pensacola, his devotedness to the constitution. When the whole country was ringing with plaudits for its capture, I said, and I said alone, in the limited



circle in which I moved, that the President must surrender it; that he could not hold it. It is not my intention to inquire, whether the army was or was not constitutionally marched into Florida. It is not a clear question, and I am inclined to think that the express authority of Congress ought to have been asked. The gentleman from Massachusetts will allow me to refer to a part of the correspondence at Ghent different from that which he has quoted. He will find the condition of the Indians there accurately defined. And it is widely variant from the gentleman's ideas on this subject. The Indians, inhabiting the United States, according to the statement of the American commissioners at Ghent, have a qualified sovereignty only, the supreme sovereignty residing in the government of the United States. They live under their own laws and customs, may inhabit and hunt their lands; but acknowledge the protection of the United States, and have no right to sell their lands but to the government of the United States. Foreign powers or foreign subjects have no right to maintain any intercourse with them, without our permission. They are not, therefore, independent nations, as the gentleman supposes. Maintaining the relation described with them, we must allow a similar relation to exist between Spain and the Indians residing within her dominions. She must be, therefore, regarded as the sovereign of Florida, and we are, accordingly, treating with her for the purchase of it. In strictness, then, we ought first to have demanded of her to restrain the Indians, and, that failing, we should have demanded a right of passage for our army. But, if the President had the power to march an army into Florida, without consulting Spain, and without the authority of Congress, he had no power to authorize any act of hostility against her. If the gentleman had even succeeded in showing that an authority was conveyed by the executive to General Jackson to take the Spanish posts, he would only have established that unconstitutional orders had been given, and thereby transferred the disapprobation from the military officer to the executive. But no such orders were, in truth, given. The President acted in conformity to the constitution, when he forbade the attack of a Spanish fort, and when, in the same spirit, he surrendered the posts themselves.

I will not trespass much longer upon the time of the committee; but I trust I shall be indulged with some few reflections upon the danger of permitting the conduct on which it has been my painful duty to animadvert, to pass without a solemn expression of the dis-

approbation of this House. Recall to your recollection the free nations which have gone before us. Where are they now ?

"Gone glimmering through the dream of things that were,  
A school-boy's tale, the wonder of an hour."

And how have they lost their liberties ? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and, mingling in the throng, should ask a Grecian if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country, the confident and indignant Grecian would exclaim, No ! no ! we have nothing to fear from our heroes ; our liberties will be eternal. If a Roman citizen had been asked, if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of public liberty, he would have instantly repelled the unjust insinuation. Yet Greece fell, Cæsar passed the Rubicon, and the patriotic arm even of Brutus could not preserve the liberties of his devoted country ! The celebrated Madame de Stael, in her last and perhaps her best work, has said, that in the very year, almost the very month, when the President of the Directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers, entered the palace of St. Cloud, and dispersing, with the bayonet, the deputies of the people, deliberating on the affairs of the state, laid the foundation of that vast fabric of despotism which overshadowed all Europe. I hope not to be misunderstood ; I am far from intimating that General Jackson cherishes any designs inimical to the liberties of the country. I believe his intentions to be pure and patriotic. I thank God that he would not, but I thank him still more that he could not, if he would, overturn the liberties of the republic. But precedents, if bad, are fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition is much truer when applied to governments. Precedents are their habits. There is one important difference between the formation of habits by an individual and by governments. He contracts it only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against the alarming doctrine of unlimited discretion in our military commanders, when applied even to prisoners of war, I must enter my protest. It begins upon them ; it will end on us. I hope our happy form of government is

be perpetual. But, if it is to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the executive; and, above all, by holding to a strict accountability the military branch the public force.

We are fighting a great moral battle, for the benefit not only of our country, but of all mankind. The eyes of the whole world are turned in attention upon us. One, and the largest portion of it, is gazing at us with contempt, with jealousy, and with envy; the other portion, with respect, with confidence, and with affection. Everywhere the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the West, to enlighten, and animate, and gladden the human heart. Obscure that spot, and the downfall of liberty here, and all mankind are enshrouded in a veil of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity, the fair character and liberty of our country. Do you expect to execute this high trust, by trampling, or suffering to be trampled down, law, justice, the constitution, and the rights of the people? By exhibiting examples of inhumanity, and cruelty, and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country, in the midst of an amicable negotiation. They would, said they, the conduct of those who are constantly reproaching kings. You saw how those admirers were astounded and hung down their heads. You saw, too, when that illustrious man, who presides over us, adopted his pacific, moderate, and just course, how they were more lifted up their heads with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction, in this infant period of our republic, scarcely yet twoscore years old, to military insubordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and that we would escape the rock on which they split we must avoid their errors.



How different has been the treatment of General Jackson, and that modest but heroic young man, a native of one of the smallest States in the Union, who achieved for his country, on Lake Erie, one of the most glorious victories of the late war. In a moment of passion he forgot himself, and offered an act of violence which was repented of as soon as perpetrated. He was tried, and suffered the judgment

pronounced by his peers. Public justice was thought not even then to be satisfied. The press and Congress took up the subject. My honorable friend from Virginia, (Mr. Johnson,) the faithful and consistent sentinel of the law and of the constitution, disapproved in that instance, as he does in this, and moved an inquiry. The public mind remained agitated and unappeased until the recent atonement so honorably made by the gallant commodore. And is there to be a distinction between the officers of the two branches of the public service? Are former services, however eminent, to preclude even inquiry into recent misconduct? Is there to be no limit, no prudential bounds to the national gratitude? I am not disposed to censure the President for not ordering a court of inquiry or a general court-martial. Perhaps, impelled by a sense of gratitude, he determined by anticipation to extend to the General that pardon which he had the undoubted right to grant after sentence. Let us not shrink from our duty. Let us assert our constitutional powers, and vindicate the instrument from military violation.

I hope gentlemen will deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they may even vote the General the public thanks; they may carry him triumphantly through this House. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination—a triumph of the military over the civil authority—a triumph over the powers of this House—a triumph over the constitution of the land. And I pray most devoutly to Heaven, that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people.

## ON PROTECTION TO HOME INDUSTRY.

IN THE HOUSE OF REPRESENTATIVES, APRIL 26, 1820.

[The bill to protect and foster the Productive Labor of the United States, by imposing higher duties on the importation of Foreign Goods, especially Manufactures, being under consideration in Committee of the Whole, Mr. CLAY addressed the Committee as follows:]

MR. CHAIRMAN :—Whatever may be the value of my opinions on the interesting subject now before us, they have not been hastily formed. It may possibly be recollected by some gentlemen, that I expressed them when the existing tariff was adopted; and that I then urged, that the period of the termination of the war, during which the manufacturing industry of the country had received a powerful spring, was precisely that period when government was alike impelled, by duty and interest, to protect it against the free admission of foreign fabrics, consequent upon a state of peace. I insisted, on that occasion, that a less measure of protection would prove more efficacious, at that time, than one of greater extent at a future day. My wishes prevailed only in part; and we are now called upon to decide whether we will correct the error which, I think, we then committed.

In considering the subject, the first important inquiry that we should make is, whether it be desirable that such a portion of the capital and labor of the country should be employed, in the business of manufacturing, as would furnish a supply of our necessary wants? Since the first colonization of America, the principal direction of the labor and capital of the inhabitants has been to produce raw materials for the consumption or fabrication of foreign nations. We have always had, in great abundance, the means of subsistence, but we have derived chiefly from other countries our clothes, and the instruments

of defence. Except during those interruptions of commerce arising from a state of war, or from measures adopted for vindicating our commercial rights, we have experienced no very great inconvenience heretofore from this mode of supply. The limited amount of our surplus produce, resulting from the smallness of our numbers, and the long and arduous convulsions of Europe, secured us good markets for that surplus in her ports or those of her colonies. But those convulsions have now ceased, and our population has reached nearly ten millions. A new epoch has arisen; and it becomes us deliberately to contemplate our own actual condition, and the relations which are likely to exist between us and the other parts of the world. The actual state of our population, and the ratio of its progressive increase when compared with the ratio of the increase of the population of the countries which have hitherto consumed our raw produce, seem, to me, alone to demonstrate the necessity of diverting some portion of our industry from its accustomed channel. We double our population in about the term of twenty-five years. If there be no change in the mode of exerting our industry, we shall double, during the same term, the amount of our exportable produce. Europe, including such of her colonies as we have free access to, taken altogether, does not duplicate her population in a shorter term, probably, than one hundred years. The ratio of the increase of her capacity of consumption, therefore, is, to that of our capacity of production, as one is to four. And it is manifest, from the simple exhibition of the powers of the consuming countries, compared with those of the supplying country, that the former are inadequate to the latter. It is certainly true, that a portion of the mass of our raw produce, which we transmit to her, reverts to us in a fabricated form, and that this return augments with our increasing population. This is, however, a very inconsiderable addition to her actual ability to afford a market for the produce of our industry.

I believe that we are already beginning to experience the want of capacity in Europe to consume our surplus produce. Take the articles of cotton, tobacco, and bread-stuffs. For the latter we have scarcely any foreign demand. And is there not reason to believe that we have reached, if we have not passed, the maximum of the foreign demand for the other two articles? Considerations connected with the cheapness of cotton, as a raw material, and the facility with which it can be fabricated, will probably make it be more and more used as



a substitute for other materials. But, after you allow to the demand for it the utmost extension of which it is susceptible, it is yet quite limited—limited by the number of persons who use it, by their wants, and their ability to supply them. If we have not reached, therefore, the maximum of the foreign demand, (as I believe we have,) we must soon fully satisfy it. With respect to tobacco, that article affording an enjoyment not necessary, as food and clothes are, to human existence, the foreign demand for it is still more precarious, and I apprehend that we have already passed its limits. It appears to me, then, that, if we consult our interest merely, we ought to encourage home manufactures. But there are other motives to recommend it, of not less importance.

The wants of man may be classed under three heads—food, raiment, and defence. They are felt alike in the state of barbarism and of civilization. He must be defended against the ferocious beasts of prey in the one condition, and against the ambition, violence, and injustice, incident to the other. If he seeks to obtain a supply of those wants without giving an equivalent, he is a beggar or a robber; if by promising an equivalent which he cannot give, he is fraudulent; and if by a commerce, in which there is perfect freedom on his side, whilst he meets with nothing but restrictions on the other, he submits to an unjust and degrading inequality. What is true of individuals is equally so of nations. The country, then, which relies upon foreign nations for either of those great essentials, is not, in fact, independent. Nor is it any consolation for our dependance upon other nations, that they are also dependant upon us, even were it true. Every nation should anxiously endeavor to establish its absolute independence, and consequently be able to feed, and clothe, and defend itself. If it rely upon a foreign supply, that may be cut off by the caprice of the nation yielding it, by war with it, or even by war with other nations: it cannot be independent. But it is not true that any other nations depend upon us in a degree any thing like equal to that of our dependance upon them for the great necessities to which I have referred. Every other nation seeks to supply itself with them from its own resources; and, so strong is the desire which they feel to accomplish this purpose, that they exclude the cheaper foreign article for the dearer home production. Witness the English policy in regard to corn. So selfish, in this respect, is the conduct of other powers, that, in some instances, they even prohibit the pro-

duce of the industry of their own colonies, when it comes into competition with the produce of the parent country. All other countries but our own exclude, by high duties, or absolute prohibitions, whatever they can respectively produce within themselves. The truth is, and it is in vain to disguise it, that we are a sort of independent colonies of England—politically free, commercially slaves. Gentlemen tell us of the advantages of a free exchange of the produce of the world. But they tell us of what has never existed, does not exist, and perhaps never will exist. They invoke us to give perfect freedom on our side, whilst in the ports of every other nation, we are met with a code of odious restrictions, shutting out entirely a great part of our produce, and letting in only so much as they cannot possibly do without. I will hereafter examine their favorite maxim, of leaving things to themselves, more particularly. At present I will only say that I too am a friend to free trade, but it must be a free trade of perfect reciprocity. If the governing consideration were to weigh nothing; if honor nothing; why not subsidize foreign powers to defend us? why not hire Swiss or Hessian mercenaries to protect us? why not get our arms of all kinds, as we do, in part, the blankets and clothing of our soldiers, from abroad? We should probably consult economy by these dangerous expedients.

But, say gentlemen, there are to the manufacturing system some inherent objections, which should induce us to avoid its introduction into this country; and we are warned by the example of England, by her pauperism, by the vices of her population, her wars, &c. It would be a strange order of Providence, if it were true, that he should create necessary and indispensable wants, and yet should render us unable to supply them without the degradation or contamination of our species.

Pauperism is, in general, the effect of an overflowing population. Manufactures may undoubtedly produce a redundant population; but so may commerce, and so may agriculture. In this respect they are alike; and from whatever cause the disproportion of a population to the subsisting faculty of a country may proceed, its effect of pauperism is the same. Many parts of Asia would exhibit, perhaps, as afflicting effects of an extreme prosecution of the agricultural system, as England can possibly furnish, respecting the manufacturing. It

is not, however, fair to argue from these extreme cases, against either the one system or the other. There are abuses incident to every branch of industry, to every profession. It would not be thought very just or wise to arraign the honorable professions of law and physic, because the one produces the pettifogger, and the other the quack. Even in England it has been established, by the diligent search of Colquhoun, from the most authentic evidence, the judicial records of the country, that the instances of crime were much more numerous in the agricultural than in the manufacturing districts; thus proving that the cause of wretchedness and vice in that country was to be sought for, not in this or that system, so much as in the fact of the density of its population. France resembles this country more than England, in respect to the employments of her population; and we do not find that there is anything in the condition of the manufacturing portion of it, which ought to dissuade us from the introduction of it into our own country. But even France has not that great security against the abuses of the manufacturing system, against the effects of too great a density of population, which we possess in our waste lands. While this resource exists, we have nothing to apprehend. Do capitalists give too low wages; are the laborers too crowded, and in danger of starving?—the unsettled lands will draw off the redundancy, and leave the others better provided for. If an unsettled province, such as Texas, for example, could, by some convulsion of nature, be wafted alongside of, and attached to, the island of Great Britain, the instantaneous effect would be, to draw off the redundant portion of the population, and to render more comfortable both the emigrants and those whom they would leave behind. I am aware that while the public domain is an acknowledged security against the abuses of the manufacturing, or any other system, it constitutes, at the same time, an impediment, in the opinion of some, to the success of manufacturing industry, by its tendency to prevent the reduction of the wages of labor. Those who urge this objection have their eyes too much fixed on the ancient system of manufacturing, when manual labor was the principal instrument which it employed. During the last half century, since the inventions of Arkwright, and the long train of improvements which followed, the labor of machinery is principally used. I have understood, from sources of information which I believe to be accurate, that the combined force of all the machinery employed by Great Britain, in manufacturing, is equal to the labor of one hundred millions of able-bodied men. If we suppose the

aggregate of the labor of all the individuals which she employs in that branch of industry to be equal to the united labor of two millions of able-bodied men, (and I should think it does not exceed it,) machine labor will stand to manual labor, in the proportion of one hundred to two. There cannot be a doubt that we have skill and enterprise enough to command the requisite amount of machine power.

There are, too, some checks to emigration from the settled parts of our country to the waste lands of the west. Distance is one, and it is every day becoming greater and greater. There exists, also, a natural repugnance (felt less, it is true, in the United States than elsewhere, but felt even here) to abandoning the place of our nativity. Women and children, who could not migrate, and who would be comparatively idle if manufactures did not exist, may be profitably employed in them. This is a very great benefit. I witnessed the advantage resulting from the employment of this description of our population, in a visit which I lately made to the Waltham manufactory, near Boston. There, some hundreds of girls and boys were occupied in separate apartments. The greatest order, neatness, and apparent comfort, reigned throughout the whole establishment. The daughters of respectable farmers—in one instance I remember the daughter of a senator in the State legislature, were usefully employed. They would come down to the manufactory, remain perhaps some months, and return, with their earnings, to their families, to assist them throughout the year. But one instance had occurred, I was informed by the intelligent manager, of doubtful conduct on the part of any of the females, and, after she was dismissed, there was reason to believe that injustice had been done her. Suppose that establishment to be destroyed, what would become of all the persons who are there engaged so beneficially to themselves, and so usefully to the State? Can it be doubted that, if the crowds of little mendicant boys and girls who infest this edifice, and assail us, every day, at its very thresholds, as we come in and go out, begging for a cent, were employed in some manufacturing establishment, it would be better for them and the city? Those who object to the manufacturing system should recollect, that constant occupation is the best security for innocence and virtue, and that idleness is the parent of vice and crime. They should contemplate the laboring poor with employment, and ask themselves what would be their condition without it.

If there are instances of hard taskmasters among the manufacturers, so also are there in agriculture. The cause is to be sought for, not in the nature of this or that system, but in the nature of man. If there are particular species of unhealthy employment in manufactures, so there are in agriculture also. There has been an idle attempt to ridicule the manufacturing system, and we have heard the expression, "spinning-jenny tenure." It is one of the noblest inventions of human skill. It has diffused comforts among thousands who, without it, would never have enjoyed them; and millions yet unborn will bless the man by whom it was invented. Three important inventions have distinguished the last half century, each of which, if it had happened at long intervals of time from the other, would have been sufficient to constitute an epoch in the progress of the useful arts. The first was that of Arkwright; and our own country is entitled to the merit of the other two. The world is indebted to Whitney for the one, and to Fulton for the other. Nothing is secure against the shafts of ridicule. What would be thought of a man who should speak of a cotton-gin tenure, or a steamboat tenure?

In one respect there is a great difference in favor of manufactures, when compared with agriculture. It is the rapidity with which the whole manufacturing community avail themselves of an improvement. It is instantly communicated and put in operation. There is an avidity for improvement in the one system—an aversion from it in the other. The habits of generation after generation pass down the long track of time in perpetual succession without the slightest change in agriculture. The ploughman who fastens his plough to the tails of his cattle, will not own that there is any other mode equal to his. An agricultural people will be in the neighborhood of other communities, who have made the greatest progress in husbandry, without advancing in the slightest degree. Many parts of our country are one hundred years in advance of Sweden in the cultivation and improvement of the soil.

It is objected, that the effect of the encouragement of home manufactures, by the proposed tariff, will be to diminish the revenue from the customs. The amount of the revenue from that source will depend upon the amount of importations, and the measure of these will be the value of the exports from this country. The quantity of the exportable produce will depend upon the foreign demand; and there-



can be no doubt that, under any distribution of the labor and capital of this country, from the greater allurements which agriculture presents than any other species of industry, there would be always a quantity of its produce sufficient to satisfy that demand. If there be a diminution in the ability of foreign nations to consume our raw produce, in the proportion of our diminished consumption of theirs, under the operation of this system, that will be compensated by the substitution of a home for a foreign market, in the same proportion. It is true that we cannot remain in the relation of seller, only to foreign powers, for any length of time ; but if, as I have no doubt, our agriculture will continue to supply, as far as it can profitably, to the extent of the limits of foreign demand, we shall receive not only in return many of the articles on which the tariff operates, for our own consumption, but they may also form the objects of trade with South America and other powers, and our comforts may be multiplied by the importation of other articles. Diminished consumption, in consequence of the augmentation of duties, does not necessarily imply diminished revenue. The increase of the duty may compensate the decrease in the consumption, and give you as large a revenue as you before possessed.

Can any one doubt the impolicy of government resting solely upon the precarious resource of such a revenue ? It is constantly fluctuating. It tempts us, by its enormous amount, at one time, into extravagant expenditure ; and we are then driven, by its sudden and unexpected depression, into the opposite extreme. We are seduced by its flattering promises into expenses which we might avoid ; and we are afterwards constrained by its treachery, to avoid expenses which we ought to make. It is a system under which there is a sort of perpetual war, between the interest of the government and the interest of the people. Large importations fill the coffers of government, and empty the pockets of the people. Small importations imply prudence on the part of the people, and leave the treasury empty. In war, the revenue disappears ; in peace it is unsteady. On such a system the government will not be able much longer exclusively to rely. We all anticipate that we shall have shortly to resort to some additional supply of revenue within ourselves. I was opposed to the total repeal of the internal revenue. I would have preserved certain parts of it at least, to be ready for emergencies such as now exist. And I am, for one, ready to exclude foreign spirits altogether, and substitute



for the revenue levied on them a tax upon the spirits made within the country. No other nation lets in so much of foreign spirits as we do. By the encouragement of home industry, you will lay a basis of internal taxation, when it gets strong, that will be steady and uniform, yielding alike in peace and in war. We do not derive our ability from abroad, to pay taxes. That depends upon our wealth and our industry; and it is the same, whatever may be the form of levying the public contributions.

But it is urged, that you tax other interests of the state to sustain manufacturers. The business of manufacturing, if encouraged, will be open to all. It is not for the sake of the particular individuals who may happen to be engaged in it, that we propose to foster it; but it is for the general interest. We think that it is necessary to the comfort and well-being of society, that fabrication, as well as the business of production and distribution, should be supported and taken care of. Now, if it be even true, that the price of the home fabric will be somewhat higher, in the first instance, than the rival foreign articles, that consideration ought not to prevent our extending reasonable protection to the home fabric. Present temporary inconvenience may be well submitted to for the sake of future permanent benefit. If the experience of all other countries be not utterly fallacious; if the promises of the manufacturing system be not absolutely illusory, by the competition which will be elicited in consequence of your parental care, prices will be ultimately brought down to a level with that of the foreign commodity. Now, in a scheme of policy which is devised for a nation, we should not limit our views to its operation during a single year, or for even a short term of years. We should look at its operation for a considerable time, and in war as well as in peace. Can there be a doubt, thus contemplating it, that we shall be compensated by the certainty and steadiness of the supply in all seasons, and the ultimate reduction of the price for any temporary sacrifices we make? Take the example of salt, which the ingenious gentleman from Virginia (Mr. Archer) has adduced. He says, during the war, the price of that article rose to ten dollars per bushel, and he asks if you would lay a duty, permanent in its duration, of three dollars per bushel, to secure a supply in war. I answer, no, I would not lay, so high a duty. That which is now proposed, for the encouragement of the domestic production, is only five cents per bushel. In forty years the duty would amount only to two dol-

lars. If the recurrence of war shall be only after intervals of forty years' peace; (and we may expect it probably oftener,) and if, when it does come, the same price should again be given, there will be a clear saving of eight dollars, by promoting the domestic fabrication. All society is an affair of mutual concession. If we expect to derive the benefits which are incident to it, we must sustain our reasonable share of burdens. The great interests which it is intended to guard and cherish, must be supported by their reciprocal action and reaction. The harmony of its parts is disturbed; the discipline which is necessary to its order is incomplete, when one of the three great and essential branches of its industry is abandoned and unprotected. If you want to find an example of order, of freedom from debt, of economy, of expenditure falling below, rather than exceeding income, you will go to the well-regulated family of a farmer. You will go to the house of such a man as Isaac Shelby. You will not find him haunting taverns, engaged in broils, prosecuting angry lawsuits. You will behold every member of his family clad with the produce of their own hands, and usefully employed; the spinning-wheel and the loom in motion by daybreak. With what pleasure will his wife carry you into her neat dairy, lead you into her store-house, and point you to the table-cloths, the sheets, the counterpanes which lie on this shelf for one daughter, or on that for another, all prepared in advance by her provident care for the day of their respective marriages. If you want to see an opposite example, go to the house of a man who manufactures nothing at home, whose family resorts to the store for every thing they consume. You will find him perhaps in the tavern, or at the shop at the cross-roads. He is engaged, with the rum grog on the table, taking depositions to make out some case of usury or fraud. Or perhaps he is furnishing to his lawyer the materials to prepare a long bill of injunction in some intricate case. The sheriff is hovering about his farm to serve some new writ. On court-days—he never misses attending them—you will find him eagerly collecting his witnesses to defend himself against the merchant's and doctor's claims. Go to his house, and, after the short and giddy period that his wife and daughters have flirted about the country in their calico and muslin frocks, what a scene of discomfort and distress is presented to you there! What the individual family of Isaac Shelby is, I wish to see the nation in the aggregate become. But I fear we shall shortly have to contemplate its resemblance in the opposite picture. If statesmen would carefully observe the conduct of private individuals in the

management of their own affairs, they would have much surer guides in promoting the interests of the state, than the visionary speculations of theoretical writers.

The manufacturing system is not only injurious to agriculture, but, say its opponents, it is injurious also to foreign commerce. We ought not to conceal from ourselves our present actual position in relation to other powers. During the protracted war which has so long convulsed all Europe, and which will probably be succeeded by a long peace, we transacted the commercial business of other nations, and largely shared with England the carrying trade of the world. Now, every other nation is anxiously endeavoring to transact its own business, to rebuild its marine, and to foster its navigation. The consequence of the former state of things was, that our mercantile marine, and our commercial employment were enormously disproportionate to the exchangeable domestic produce of our country. And the result of the latter will be, that, as exchanges between this country and other nations will hereafter consist principally, on our part, of our domestic produce, that marine and that employment will be brought down to what is necessary to effect those exchanges. I regret exceedingly this reduction. I wish the mercantile class could enjoy the same extensive commerce that they formerly did. But, if they cannot, it would be a folly to repine at what is irrecoverably lost, and we should seek rather to adapt ourselves to the new circumstances in which we find ourselves. If, as I think, we have reached the maximum of our foreign demand for our three great staples, cotton, tobacco, and flour, no man will contend that we should go on to produce more and more, to be sent to the glutted foreign market, and consumed by devouring expenses, merely to give employment to our tonnage and to our foreign commerce. It would be extremely unwise to accommodate our industry to produce, not what is wanted abroad, but cargoes for our unemployed ships. I would give our foreign trade every legitimate encouragement, and extend it whenever it can be extended profitably. Hitherto it has been stimulated too highly, by the condition of the world, and our own policy acting on that condition. And we are reluctant to believe that we must submit to its necessary abridgment. The habits of trade; the tempting instances of enormous fortunes which have been made by the successful prosecution of it, are such, that we turn with regret from its pursuit; we still cherish a lingering hope; we persuade our

selves that something will occur, how and what it may be, we know not, to revive its former activity; and we would push into every untried channel, grope through the Dardanelles into the Black Sea, to restore its former profits. I repeat it, let us proclaim to the people of the United States the incontestable truth, that our foreign trade must be circumscribed by the altered state of the world; and, leaving it in the possession of all the gains which it can now possibly make, let us present motives to the capital and labor of our country to employ themselves in fabrication at home. There is no danger that, by a withdrawal of that portion which is unprofitably employed on other objects, and an application of it to fabrication, our agriculture would be too much cramped. The produce of it will always come up to the foreign demand. Such are the superior allurements belonging to the cultivation of the soil to all other branches of industry, that it will always be preferred when it can profitably be followed. The foreign demand will, in any conceivable state of things, limit the amount of the exportable produce of agriculture. The amount of our exportations will form the measure of our importations, and, whatever these may be, they will constitute the basis of the revenue derivable from customs.

The manufacturing system is favorable to the maintenance of peace. Foreign commerce is the great source of foreign wars. The eagerness with which we contend for every branch of it; the temptations which it offers, operating alike upon us and our foreign competitors, produce constant collisions. No country on earth, by the extent of its superficies, the richness of its soil, the variety of its climate, contains within its own limits more abundant facilities for supplying all our rational wants than ours does. It is not necessary or desirable, however, to cut off all intercourse with foreign powers. But, after securing a supply, within ourselves, of all the great essentials of life, there will be ample scope still left for preserving such an intercourse. If we had no intercourse with foreign states, if we adopted the policy of China, we should have no external wars. And in proportion as we diminish our dependance upon them, shall we lessen the danger of the recurrence of war. Our late war would not have existed if the counsels of the manufacturers in England had been listened to. They finally did prevail, in their steady and persevering effort to produce a repeal of the orders in council; but it was too late to prevent the war. Those who attribute to the manufacturing system the bur-



dens and misfortunes of that country, commit a great error. These were probably a joint result of the operation of the whole of her systems, and the larger share of it was to be ascribed to her foreign commerce, and to the ambition of her rulers, than to any other cause. The war of our revolution, in which that ambition displayed its monstrous arrogance and pretensions, laid the broad foundation of that enormous debt under which she now groans.

The tendency of reasonable encouragement to our home industry is favorable to the preservation and strength of our confederacy. Now our connexion is merely political. For the sale of the surplus of the produce of our agricultural labor, all eyes are constantly turned upon the markets of Liverpool. There is scarcely any of that beneficial intercourse, the best basis of political connexion, which consists of the exchange of the produce of our labor. On our maritime frontier there has been too much stimulus, an unnatural activity; in the great interior of the country, there exists a perfect paralysis. Encourage fabrication at home, and there will instantly arise animation and a healthful circulation throughout all the parts of the republic. The cheapness, fertility, and quantity of our waste lands, offer such powerful inducements to cultivation, that our countrymen are constantly engaging in it. I would not check this disposition by hard terms in the sale of it. Let it be easily accessible to all who wish to acquire it. But I would counteract this predilection by presenting to capital and labor, motives for employment in other branches of industry. Nothing is more uncertain than the pursuit of agriculture, when we mainly rely upon foreign markets for the sale of its surplus produce. In the first place, it is impossible to determine, *a priori*, the amount of this surplus; and, in the second, it is equally impossible to anticipate the extent of the foreign demand. Both the one and the other depend upon the seasons. From the fluctuations incident to these, and from other causes, it may happen that the supplying country will, for a long series of years, have employed a larger share of its capital and labor than is wise, in production to supply the wants of the consuming countries, without becoming sensible of its defect of policy. The failure of a crop, or the failure of a market, does not discourage the cultivator. He renews his labors another year, and he renews his hopes. It is otherwise with manufacturing industry. The precise quantum of its produce, at least, can with some accuracy

be previously estimated. And the wants of foreign countries can be with some probability anticipated.

I am sensible, Mr. Chairman, if I have even had a success, which I dare not presume, in the endeavor I have been making to show that sound policy requires a diversion of so much of the capital and labor of this country from other employments as may be necessary, by a different application of them, to secure, within ourselves, a steady and adequate supply of the great necessities of life, I shall have only established one half of what is incumbent upon me to prove. It will still be required by the other side, that a second proposition be supported, and that is, that government ought to present motives for such a diversion and new application of labor and capital, by that species of protection which the tariff holds out. Gentlemen say, We agree with you; you are right in your first proposition; but, "let things alone," and they will come right in the end. Now, I agree with them, that things would ultimately get right: but not until after a long period of disorder and distress, terminating in the impoverishment, and perhaps ruin of the country. Dissolve government, reduce it to its primitive elements, and, without any general effort to reconstruct it, there would arise, out of the anarchy which would ensue, partial combinations for the purpose of individual protection, which would finally lead to a social form, competent to the conservation of peace within, and the repulsion of force from without. Yet no one would say, in such a state of anarchy, Let things alone! If gentlemen, by their favorite maxim, mean only that, within the bosom of the state, things are to be left alone, and each individual, and each branch of industry, allowed to pursue their respective interests, without giving a preference to either, I subscribe to it. But if they give it a more comprehensive import; if they require that things be left alone, in respect not only to interior action, but to exterior action also; not only as regards the operation of our own government upon the mass of the interests of the state, but as it relates to the operation of foreign governments upon that mass, I dissent from it.

This maxim, in this enlarged sense, is indeed everywhere proclaimed; but nowhere practised. It is truth in the books of European political economists. It is error in the practical code of every European state. It is not applied where it is most applicable; it is attempted to be introduced here, where it is least applicable; and



even here its friends propose to limit it to the single branch of manufacturing industry, whilst every other interest is encouraged and protected according to the policy of Europe. The maxim would best suit Europe, where each interest is adjusted and arranged to every other, by causes operating during many centuries. Everything there has taken and preserved its ancient position. The house that was built centuries ago, is occupied by the descendants of its original constructor. If one could rise up, after the lapse of ages, and enter a European shop, he would see the same hammer at work, on the same anvil or last, and almost by the same hand. There everything has found its place and its level, and everything, one would think, might there be safely left alone. But the policy of the European states is otherwise. Here everything is new and unfixed. Neither the state, nor the individuals who compose it, have settled down in their firm and permanent positions. There is a constant tendency, in consequence of the extent of our public domain, towards production for foreign markets. The maxim, in the comprehensive sense in which I am considering it, requires, to entitle it to observation, two conditions, neither of which exists. First, that there should be perpetual peace, and secondly, that the maxim should be everywhere respected. When war breaks out, that free and general circulation of the produce of industry among the nations which it recommends, is interrupted, and the nation that depends upon a foreign supply of its necessities, must be subjected to the greatest inconvenience. If it be not everywhere observed, there will be, between the nation that does not, and the nation that does, conform to it, an inequality alike condemned by honor and by interest. If there be no reciprocity; if, on the one side, there is perfect freedom of trade, and on the other a code of odious restrictions, will gentlemen still contend that we are to submit to such an unprofitable and degrading intercourse? Will they require that we shall act upon the social system, whilst every other power acts upon the selfish? Will they demand of us to throw widely open our ports to every nation, whilst all other nations entirely or partly exclude theirs against our productions? It is, indeed, possible, that some pecuniary advantage might be enjoyed by our country in prosecuting the remnant of the trade which the contracted policy of other powers leaves to us. But what security is there for our continuing to enjoy even that? And is national honor, is national independence to count as nothing? I will not enter into a detail of the restrictions with which we are everywhere presented in foreign

countries. I will content myself with asserting that they take nothing from us which they can produce themselves, upon even worse terms than we could supply them. Take, again, as an example, the English corn laws. America presents the image of a fine, generous hearted young fellow, who has just come to the possession of a rich estate—an estate, which, however, requires careful management. He makes nothing; he buys everything. He is surrounded by a parcel of Jews, each holding out his hand with a packet of buttons or pins, or some other commodity, for sale. If he asks those Jews to buy any thing which his estate produces, they tell him no; it is not for our interest; it is not for yours. Take this new book, says one of them, on political economy, and you will there perceive it is for your interest to buy from us, and to let things alone in your own country. The gentleman from Virginia, to whom I have already referred, has surrendered the whole argument, in the example of the East India trade. He thinks that because India takes nothing but specie from us; because there is not a reciprocal exchange between us and India, of our respective productions, that the trade ought to be discontinued. Now I do not agree with him, that it ought to be abandoned, though I would put it under considerable restrictions, when it comes in competition with the fabrics of our own country. If the want of entire reciprocity be a sufficient ground for the total abandonment of a particular branch of trade, the same principle requires that, where there are some restrictions on the one side, they should be countervailed by equal restrictions on the other.

But this maxim, according to which gentlemen would have us abandon the home industry of the country, to the influence of the restrictive systems of other countries, without an effort to protect and preserve it, is not itself observed by the same gentlemen, in regard to the great interests of the nation. We protect our fisheries by bounties and drawbacks. We protect our tonnage, by excluding or restricting foreign tonnage, exactly as our tonnage is excluded or restricted by foreign states. We passed, a year or two ago, the bill to prohibit British navigation from the West India colonies of that power to the United States, because ours is shut out from them. The session prior to the passage of that law, the gentleman from South Carolina and I, almost alone, urged the House to pass it. But the subject was postponed until the next session, when it was passed by nearly a unanimous vote, the gentleman from South Carolina, and the two gentlemen



from Virginia, (Messrs. Barbour and Tyler,) voting with the majority. We have now upon our table other bills connected with that object, and proposing restriction upon the French tonnage to counter-vail theirs upon ours. I shall, with pleasure, vote for these measures. We protect our foreign trade, by consuls, by foreign ministers, by embargoes, by non-intercourse, by a navy, by fortifications, by squadrons constantly acting abroad, by war, and by a variety of commercial regulations in our statute book. The whole system of the general government, from its first formation to the present time, consists, almost exclusively, in one unremitting endeavor to nourish, and protect, and defend the foreign trade. Why have not all these great interests been left to the operation of the gentlemen's favorite maxim? Sir, it is perfectly right that we should have afforded this protection. And it is perfectly right, in my humble opinion, that we should extend the principle to the home industry. I am a friend to foreign trade, but I protest against its being the monopolist of all the parental favor and care of this government.

But, sir, friendly as I am to the existence of domestic manufactures, I would not give to them unreasonable encouragement, by protecting duties. Their growth ought to be gradual, but sure. I believe all the circumstances of the present period highly favorable to their success. But they are the youngest and the weakest interest of the state. Agriculture wants but little or no protection against the regulations of foreign powers. The advantages of our position, and the cheapness, and abundance, and fertility of our land, afford to that greatest interest of the state almost all the protection it wants. As it should be, it is strong and flourishing; or, if it be not, at this moment, prosperous, it is not because its produce is not ample, but because, depending, as we do altogether, upon a foreign market for the sale of the surplus of that produce, the foreign market is glutted. Our foreign trade, having almost exclusively engrossed the protecting care of government, wants no further legislative aid. And, whatever depression it may now experience, it is attributable to causes beyond the control of this government. The abundance of capital, indicated by the avidity with which loans are sought, at the reduced rate of five per centum; the reduction in the wages of labor, and the decline in the price of property of every kind, as well as that of agricultural produce, all concur favorably for domestic manufactures. Now, ~~as~~ when we arranged the existing tariff, is the auspicious moment for

government to step in and cheer and countenance then. We did too little then, and I endeavored to warn this House of the effects of inadequate protection. We were called upon, at that time, by the previous pledges we had given, by the inundation of foreign fabrics, which was to be anticipated from their free admission after the termination of the war, and by the lasting interests of this country, to give them efficient support. We did not do it; but let us not now repeat the error. Our great mistake has been in the irregularity of the action of the measures of this government upon manufacturing industry. At one period it is stimulated too high, and then, by an opposite course of policy, it is precipitated into a condition of depression too low. First there came the embargo; then non-intercourse, and other restrictive measures followed; and finally, that greatest of all stimuli to domestic fabrication, war. During all that long period, we were adding to the positive effect of the measures of government, all the moral encouragement which results from popular resolves, legislative resolves, and other manifestations of the public will and the public wish to foster our home manufactures, and to render our confederacy independent of foreign powers. The peace ensued, and the country was flooded with the fabrics of other countries; and we, forgetting all our promises, coolly and philosophically talk of leaving things to themselves; making up our deficiency of practical good sense, by the stores of learning which we collect from theoretical writers. I, too, sometimes amuse myself with the visions of these writers, (as I do with those of metaphysicians and novelists,) and, if I do not forget, one of the best among them enjoins it upon a country to protect its industry against the injurious influence of the prohibitions and restrictions of foreign countries, which operate upon it.

Monuments of the melancholy effects upon our manufactures, and of the fluctuating policy of the councils of the Union in regard to them, abound in all parts of the country. Villages, and parts of villages, which sprang up but yesterday in the western country, under the excitement to which I have referred, have dwindled into decay, and are abandoned. In New England, in passing along the highway, one frequently sees large and spacious buildings, with the glass broken out of the windows, the shutters hanging in ruinous disorder, without any appearance of activity, and enveloped in solitary gloom. Upon inquiring what they are, you are almost always informed that they were some cotton or other factory, which their proprietors could no



tonger keep in motion against the overwhelming pressure of foreign competition. Gentlemen ask for *facts* to show the expediency and propriety of extending protection to our manufactures. Do they want stronger evidence than the condition of things I have pointed out? They ask why the manufacturing industry is not resumed under the encouraging auspices of the present time? Sir, the answer is obvious; there is a general dismay; there is a want of heart, there is the greatest moral discouragement experienced throughout the nation. A man who engages in the manufacturing business is thought by his friends to be deranged. Who will go to the ruins of Carthage or Balbec to rebuild a city there? Let government commence a systematic but moderate support of this important branch of our industry. Let it announce its fixed purpose, that the protection of manufactures against the influence of the measures of foreign governments, will enter into the scope of our national policy. Let us substitute, for the irregular action of our measures, one that shall be steady and uniform; and hope, and animation, and activity will again revive. The gentleman from South Carolina (Mr. Lowndes,) offered a resolution, which the House rejected, having for its object to ascertain the profits now made upon capital employed in manufacturing. It is not, I repeat it, the individuals, but the interests we wish to have protected. From the infinite variety of circumstances under which different manufacturing establishments are situated, it is impossible that any information, such as the gentleman desires, could be obtained, that ought to guide the judgment of this House. It may happen that, of two establishments engaged in the same species of fabrication, one will be prospering and the other laboring. Take the example of the Waltham manufactory near Boston, and that of Brunswick in Maine. The former has the advantage of a fine water situation, a manager of excellent information, enthusiastically devoted to its success, a machinist of most inventive genius, who is constantly making some new improvement, and who has carried the water loom to a degree of perfection which it has not attained in England—to such perfection as to reduce the cost of weaving a yard of cloth adapted to shirting to less than a cent—while it is abundantly supplied with capital by several rich capitalists in Boston. These gentlemen have the most extensive correspondence with all parts of the United States. Owing to this extraordinary combination of favorable circumstances, the Waltham establishment is doing pretty well; whilst that of Brunswick, not possessing all of them, but perhaps as many

as would enable it, under adequate protection, to flourish, is laboring arduously. Will gentlemen infer, from the success of a few institutions having peculiar advantages, which form exceptions to the languishing condition of manufacturing industry, that there exists no necessity for protection? In the most discouraging state of trade and navigation, there are no doubt, always some individuals who are successful in prosecuting them. Would it be fair to argue, from these instances, against any measure brought forward to revive their activity?

The gentleman from Massachusetts (Mr. Whitman) has manifested peculiar hostility to the tariff, and has allowed himself to denominate it a mad, quixotic, ruinous scheme. The gentleman is dissatisfied with the quarter—the west—from which it emanates. To give higher tone and more effect to the gentleman's declamation, which is vague and indefinite, he has even assumed a new place in this House. Sir, I would advise the gentleman to return to his ancient position, moral and physical. It was respectable and useful. The honorable gentleman professes to be a friend to manufacturers! And yet he has found an insurmountable constitutional impediment to their encouragement, of which, as no other gentleman has relied upon it, I shall leave him in the undisturbed possession. The honorable gentleman a friend to manufacturers! And yet he has delivered a speech, marked with peculiar emphasis, against their protection. The honorable gentleman a friend to manufacturers! And yet he requires, if this constitutional difficulty could be removed, such an arrangement of the tariff as shall please him, although every one else should be dissatisfied. The intimation is not new of the presumptuousness of western politicians, in endeavoring to give to the policy of this country such a direction as will assert its honor and sustain its interests. It was first made whilst the measures preparatory to the late war were under consideration, and it now probably emanates from the same quarter. The predilection of the school of the Essex junto for foreign trade and British fabrics—I am far from insinuating that other gentlemen who are opposed to the tariff are actuated by any such spirit—is unconquerable. We disregarded the intimation when it was first made; we shall be uninfluenced by it now. If, indeed, there were the least color for the assertion, that the foreign trade is to be crushed by the tariff, is it not strange that the whole of the representation from all our great commercial metropolises should



unite to destroy it? The member from Boston,—to whose rational and disinterested course I am happy, on this, as on many other occasions, to be able to testify,—the representatives from the city of New York, from Philadelphia, from Baltimore, all entered into this confederacy, to destroy it, by supporting this mad and ruinous scheme. Some gentlemen assert that it is too comprehensive. But its chief recommendation to me is, that it leaves no important interest unprovided for.

The same gentlemen, or others, if it had been more limited, would have objected to its partial operation. The general measure of the protection which it communicates is pronounced to be immoderate and enormous. Yet no one ventures to enter into a specification of the particular articles of which it is composed, to show that it deserves thus to be characterized. The article of molasses has, indeed, been selected, and held up as an instance of the alleged extravagance. The existing tariff imposes a duty of five cents, the proposed tariff ten cents per gallon. We tax foreign spirits very high, and yet we let in, with a very low duty, foreign molasses, which ought to be considered as rum in disguise, filling the space of so much domestic spirits. If (which I do not believe will immediately be the case, to any considerable extent) the manufacture of spirits from molasses should somewhat decline under the new tariff, the manufacture of spirits from the raw material, produced at home, will be extended in the same ratio. Besides the incidental advantage of increasing our security against the effect of seasons of scarcity, by increasing the distillation of spirits from grain, there is scarcely any item in the tariff which combines so many interests in supporting the proposed rate of duty. The grain-growing country, the fruit country, and the culture of cane, would be all benefited by the duty. Its operation is said, however, to be injurious to a certain quarter of the Union. It is not to be denied, that each particular section of the country will feel some one or more articles of the tariff to bear hard upon it, during a short period; but the compensation is to be found in the more favorable operation of others. Now I am fully persuaded that, in the first instance, no part of the Union would share more largely than New England in the aggregate of the benefits resulting from the tariff. But the habits of economy of her people, their industry, their skill, their noble enterprise, the stimulating effects of their more rigorous climate, all tend to ensure to her the first and the richest fruits

of the tariff. The middle and the western states will come in afterwards for their portion, and all will participate in the advantage of internal exchanges and circulation. No quarter of the Union will urge, with a worse grace than New England, objections to a measure, having for its object the advancement of the interests of the whole; for no quarter of the Union participates more extensively in the benefits flowing from the general government. Her tonnage, her fisheries, her foreign trade, have been constantly objects of federal care. There is expended the greatest portion of the public revenue. The building of the public ships; their equipments; the expenses incident to their remaining in port, chiefly take place there. That great drain on the revenue, the revolutionary pension law, inclines principally towards New England. I do not, however, complain of these advantages which she enjoys. She is probably fairly entitled to them. But gentlemen from that quarter may, at least, be justly reminded of them, when they complain of the onerous effect of one or two items of the tariff.

Mr. Chairman, I frankly own that I feel great solicitude for the success of this bill. The entire independence of my country on all foreign states, as it respects a supply of our essential wants, has ever been with me a favorite object. The war of our revolution effected our political emancipation. The last war contributed greatly towards accomplishing our commercial freedom. But our complete independence will only be consummated after the policy of this bill shall be recognised and adopted. We have, indeed, great difficulties to contend with; old habits, colonial usages, the obduracy of the colonial spirit, the enormous profits of a foreign trade, prosecuted under favorable circumstances, which no longer continue. I will not despair, the cause, I verily believe, is the cause of the country. It may be postponed; it may be frustrated for the moment, but it must finally prevail. Let us endeavor to acquire for the present Congress, the merit of having laid this solid foundation of the national prosperity. If, as I think, fatally for the public interest, the bill shall be defeated, what will be the character of the account which we shall have to render to our constituents upon our return among them? We shall be asked, What have you done to remedy the disorders of the public currency? Why, Mr. Secretary of the Treasury made us a long report on that matter, containing much valuable information, and some very good reasoning; but, upon the whole, we found that subject

rather above our comprehension, and we concluded that it was wisest to let it regulate itself. What have you done to supply the deficit in the treasury? We thought that, although you are all endeavoring to get out of the banks, it was a very good time for us to go into them and we have authorized a loan. You have done something then, certainly, on the subject of retrenchment. Here, at home, we are practising the greatest economy, and our daughters, no longer able to wear calico gowns, are obliged to put on homespun. Why, we have saved, by the indefatigable exertions of a member from Tennessee—General Cocke—fifty thousand dollars, which were wanted for the Yellow Stone expedition. No, not quite so much; for thirty thousand dollars of that sum were still wanted, although we stopped the expedition at the Council Bluffs. And we have saved another sum, which we hope will give you great satisfaction. After nearly two days' debate, and a division between the two houses, we struck off two hundred dollars from the salary of the clerk of the attorney-general. What have you done to protect home industry from the effects of the contracted policy of foreign powers? We thought it best, after much deliberation, to leave things alone at home, and to continue our encouragement to foreign industry. Well, surely you have passed some law to reanimate and revive the hopes of the numerous bankrupts that have been made by the extraordinary circumstances of the world, and the ruinous tendency of our policy? No; the senate would not agree on that subject, and the bankrupt bill failed! Can we plead, sir, ignorance of the general distress, and of the ardent wishes of the community for that protection of its industry which this bill proposes? No, sir, almost daily, throughout the session, have we been receiving petitions, with which our table is now loaded, humbly imploring us to extend this protection. Unanimous resolutions from important State legislatures have called upon us to give it, and the people of whole States in mass—almost in mass, of New York, New Jersey, Pennsylvania, and Ohio—have transmitted to us their earnest and humble petitions to encourage the home industry. Let us not turn a deaf ear to them. Let us not disappoint their just expectations. Let us manifest, by the passage of this bill, that Congress does not deserve the reproaches which have been cast on it, of insensibility to the wants and sufferings of the people.

[This bill passed the House: yeas 90; nays 69: but in the senate was postponed to a later session—in effect, rejected—by the close vote of 22 to 21.]

## ON INTERNAL IMPROVEMENT.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 16, 1824.

[THE power of the Federal Government to construct, or aid in constructing, works of Internal Improvements, had for several years formed one of the most steadily and earnestly controverted topics connected with the legislation of the country. Its existence was affirmed, and its exercise demanded with an almost unanimous voice, by the spreading West, aided by many liberal and far-seeing representatives of other sections of the Union. It was opposed with equal ardor by a nearly equal number, throughout the continuance of the struggle. In 1824, a third effort was made, (two bills having been vetoed in former years,) and the bill authorizing the President to cause certain Surveys and Estimates for Roads and Canals to be made, being under consideration, Mr. CLAY addressed the Committee of the Whole as follows:]

I CANNOT enter on the discussion of the subject before me, without first asking leave to express my thanks for the kindness of the committee, in so far accommodating me as to agree unanimously to adjourn its sitting to the present time, in order to afford me the opportunity of exhibiting my views; which, however, I fear I shall do very unacceptably. As a requital for this kindness, I will endeavor, as far as is practicable, to abbreviate what I have to present to your consideration. Yet, on a question of this extent and moment, there are so many topics which demand a deliberate examination, that, from the nature of the case, it will be impossible, I am afraid, to reduce the argument to any thing that the committee will consider a reasonable compass.

It is known to all who hear me, that there has now existed for several years a difference of opinion between the executive and legislative branches of this government, as to the nature and extent of certain powers conferred upon it by the constitution. Two successive Presidents have returned to Congress bills which had previously

passed both houses of that body, with a communication of the opinion that Congress, under the constitution, possessed no power to enact such laws. High respect, personal and official, must be felt by all, as it is due, to those distinguished officers, and to their opinions, thus solemnly announced; and the most profound consideration belongs to our present Chief Magistrate, who has favored this House with a written argument, of great length and labor, containing not less than sixty or seventy pages, in support of his exposition of the constitution. From the magnitude of the interests involved in the question, all will readily concur, that, if the power is granted, and does really exist, it ought to be vindicated, upheld, and maintained, that the country may derive the great benefits which may flow from its prudent exercise. If it has not been communicated to Congress, then all claim to it should be at once surrendered. It is a circumstance of peculiar regret to me, that one more competent than myself has not risen to support the course which the legislative department has heretofore felt itself bound to pursue on this great question. Of all the trusts which are created by human agency, that is the highest, most solemn, and most responsible, which involves the exercise of political power. Exerted when it has not been intrusted, the public functionary is guilty of usurpation. And his infidelity to the public good is not, perhaps, less culpable, when he neglects or refuses to exercise a power which has been fairly conveyed, to promote the public prosperity. If the power, which he thus forbears to exercise, can only be exercised by him—if no other public functionary can employ it, and the public good requires its exercise, his treachery is greatly aggravated. It is only in those cases where the object of the investment of power is the personal ease or aggrandizement of the public agent, that his forbearance to use it is praiseworthy, gracious, or magnanimous.

I am extremely happy to find, that, on many of the points of the argument of the honorable gentleman from Virginia, (Mr. Barbour,) there is entire concurrence between us, widely as we differ in our ultimate conclusions. On this occasion, (as on all others on which that gentleman obliges the House with an expression of his opinions,) he displays great ability and ingenuity; and, as well from the matter as from the respectful manner of his argument, it is deserving of the most thorough consideration. I am compelled to differ from that gentleman at the very threshold. He commenced by laying



down, as a general principle, that, in the distribution of powers among our federal and State governments, those which are of a municipal character are to be considered as appertaining to the State governments, and those which relate to external affairs, to the general government. If I may be allowed to throw the argument of the gentleman into the form of a syllogism, (a shape which I presume will be quite agreeable to him,) it amounts to this: Municipal powers belong exclusively to the State governments; but the power to make internal improvements is municipal; therefore it belongs to the State governments alone. I deny both the premises and the conclusion. If the gentleman had affirmed that certain municipal powers, and the great mass of them, belong to the State governments, his proposition would have been incontrovertible. But, if he had so qualified it, it would not have assisted the gentleman at all in his conclusion. But surely the power of taxation—the power to regulate the value of coin—the power to establish a uniform standard of weights and measures—to establish post-offices and post-roads—to regulate commerce among the several States—that in relation to the judiciary—besides many other powers indisputably belonging to the federal government, are strictly municipal. If, as I understood the gentleman in the course of the subsequent part of his argument to admit, some municipal powers belong to the one system, and some to the other, we shall derive very little aid from the gentleman's principle, in making the discrimination between the two. The question must ever remain open—whether any given power, and, of course, that in question, is or is not delegated to this government, or retained by the States?

The conclusion of the gentleman is, that all internal improvements belong to the State governments; that they are of a limited and local character, and are not comprehended within the scope of the federal powers, which relate to external or general objects. That many, perhaps most internal improvements, partake of the character described by the gentleman, I shall not deny. But it is no less true that there are others, emphatically national, which neither the policy, nor the power, nor the interests of any State will induce it to accomplish, and which can only be effected by the application of the resources of the nation. The improvement of the navigation of the Mississippi furnishes a striking example. This is undeniably a great and important object. The report of a highly scientific and intelligent officer of the engineer corps, (which I hope will be soon taken



up and acted upon,) shows that the cost of any practicable improvements in the navigation of that river, in the present state of the inhabitants of its banks, is a mere trifle in comparison to the great benefits which would accrue from it. I believe that about double the amount of the loss of a single steamboat and cargo, (the Tennessee,) would effect the whole improvement in the navigation of that river which ought to be at this time attempted. In this great object twelve States and two Territories are, in different degrees, interested. The power to effect the improvement of that river is surely not municipal, in the sense in which the gentleman uses the term. If it were, to which of the twelve States and two Territories concerned does it belong? It is a great object, which can only be effected by a confederacy. And here is existing that confederacy, and no other can lawfully exist; for the constitution prohibits the States, immediately interested, from entering into any treaty or compact with each other. Other examples might be given to show that, if even the power existed, the inclination to exert it would not be felt, to effectuate certain improvements eminently calculated to promote the prosperity of the Union. Neither of the three States, nor all of them united, through which the Cumberland road passes, would ever have erected that road. Two of them would have thrown in every impediment to its completion in their power. Federative in its character, it could only have been executed so far by the application of federative means. Again: the contemplated canal through New Jersey; that to connect the waters of the Chesapeake and Delaware; that to unite the Ohio and the Potomac, are all objects of a general and federative nature, in which the States through which they may severally pass cannot be expected to feel any such special interest as will lead to their execution. Tending, as undoubtedly they would do, to promote the good of the whole, the power and the treasure of the whole must be applied to their execution, if they are ever consummated.

I do not think, then, that we should be at all assisted in expounding the constitution of the United States, by the principle which the gentleman from Virginia has suggested in respect to municipal powers. The powers of both governments are undoubtedly municipal, often operating upon the same subject. I think a better rule than that which the gentleman furnished for interpreting the constitution, might be deduced from an attentive consideration of the peculiar character

of the articles of confederation, as contrasted with that of the present constitution. By those articles, the powers of the thirteen United States were exerted collaterally. They operated through an intermediary. They were addressed to the several States, and their execution depended upon the pleasure and the co-operation of the States individually. The States seldom fulfilled the expectations of the general government in regard to its requisitions, and often wholly disappointed them. Languor and debility, in the movement of the old confederation, were the inevitable consequence of that arrangement of power. By the existing constitution, the powers of the general government act directly on the persons and things within its scope, without the intervention or impediments incident to an intermediary. In executing the great trust which the constitution of the United States creates, we must, therefore, reject that interpretation of its provisions which would make the general government dependant upon those of the States for the execution of any of its powers; and may safely conclude that the only genuine construction would be that which should enable this government to execute the great purposes of its institution, without the co-operation, and, if indispensably necessary, even against the will of any particular State. This is the characteristic difference between the two systems of government, of which we should never lose sight. Interpreted in the one way, we shall relapse into the feebleness and debility of the old confederacy. In the other, we shall escape from its evils, and fulfil the great purposes which the enlightened framers of the existing constitution intended to effectuate. The importance of this essential difference in the two forms of government, will be shown in the future progress of the argument.

Before I proceed to comment on those parts of the constitution which appear to me to convey the power in question, I hope I shall be allowed to disclaim, for my part, several sources whence others have deduced the authority. The gentleman from Virginia seemed to think it remarkable that the friends of the power should disagree so much among themselves; and to draw a conclusion against its existence from the fact of this discrepancy. But I can see nothing extraordinary in this diversity of views. What is more common than for different men to contemplate the same subject under various aspects? Such is the nature of the human mind, that enlightened men, perfectly upright in their intentions, differ in their opinions on almost

every topic that can be mentioned. It is rather a presumption in favor of the cause which I am humbly maintaining, that the same result is attained by so many various modes of reasoning. But, if contrariety of views might be pleaded with any effect against the advocates of the disputed power, it is equally available against our opponents. There is, for example, not a very exact coincidence in opinion between the President of the United States and the gentleman from Virginia. The President says, (page 25 of his book,)

"The use of the existing road, by the stage, mail-carrier, or post-boy, in passing over it, as others do, is all that would be thought of; the jurisdiction and soil remaining to the State, with a right in the State, or those authorized by its legislature, to change the road at pleasure."

Again, page 27, the President asks:

"If the United States possessed the power contended for under this grant, might they not, in adopting the roads of the individual States, for the carriage of the mail, as has been done, assume jurisdiction over them, and preclude a right to interfere with or alter them?"

They both agree that the general government does not possess the power. The gentleman from Virginia admits, if I understood him correctly, that the designation of a State road as a post-road, so far withdraws it from the jurisdiction of the State, that it cannot be afterwards put down or closed by the State; and in this he claims for the general government more power than the President concedes to it. The President, on the contrary, pronounces, that "the absurdity of such a pretension" (that is, preventing, by the designation of a post-road, the power of the State from altering or changing it) "must be apparent to all who examine it!" The gentleman thinks that the designation of a post-road withdraws it entirely, so far as it is used for that purpose, from the power of the whole State; whilst the President thinks it absurd to assert that a mere county court may not defeat the execution of a law of the United States! The President thinks that, under the power of appropriating the money of the United States, Congress may apply it to any object of internal improvement, provided it does not assume any territorial jurisdiction; and, in this respect, he claims for the general government more power than the gentleman from Virginia assigns to it. And I must own, that I so far coincide with the gentleman from Virginia. If the power can be traced to no more legitimate source than to that of appropriating the public treasure, I will yield the question.

The truth is, that there is no specific grant, in the constitution, of the power of appropriation; nor is any such requisite. It is a resulting power. The constitution vests in Congress the power of taxation, with but few limitations, to raise a public revenue. It then enumerates the powers of Congress. And it follows, of necessity, that Congress has the right to apply the money, so raised, to the execution of the powers so granted. The clause which concludes the enumeration of the granted powers, by authorizing the passage of all laws, "necessary and proper" to effectuate them, comprehends the power of appropriation. And the framers of the constitution recognise it by the restriction that no money shall be drawn from the treasury but in virtue of a previous appropriation by law. It is to me wonderful how the President could have brought his mind to the conclusion, that, under the power of appropriation, thus incidentally existing, a right could be set up, in its nature almost without limitation, to employ the public money. He combats with great success and much ability, any deduction of power from the clause relating to the general welfare. He shows that the effect of it would be to overturn, or render useless and nugatory, the careful enumeration of our powers; and that it would convert a cautiously limited government into one without limitation. The same process of reasoning by which his mind was brought to this just conclusion, one would have thought, should have warned him against his claiming, under the power of appropriation, such a vast latitude of authority. He reasons strongly against the power, as claimed by us, harmless, and beneficent, and limited as it must be admitted to be, and yet he sets up a power boundless in its extent, unrestrained to the object of internal improvements, and comprehending the whole scope of human affairs! For, if the power exists, as he asserts it, what human restraint is there upon it? He does, indeed, say, that it cannot be exerted so as to interfere with the territorial jurisdiction of the States. But this is a restriction altogether gratuitous, flowing from the bounty of the President, and not found in the prescriptions of the constitution. If we have a right, indefinitely, to apply the money of the government to internal improvements, or to any other object, what is to prevent the application of it to the purchase of the sovereignty itself of a State, if a State were mean enough to sell its sovereignty—to the purchase of kingdoms, empires, the globe itself? With an almost unlimited power of taxation, and, after the revenue is raised, with a right to apply it under no other limitations than those which the President's

caution has suggested, I cannot see what other human power is needed. It has been said, by Cæsar or Bonaparte, no doubt thought by both, that with soldiers enough, they could get money enough; and, with money enough, they could command soldiers enough. According to the President's interpretation of the constitution, one of these great levers of public force and power is possessed by this government. The President seems to contemplate, as fraught with great danger, the power, humbly as it is claimed, to effect the internal improvement of the country, and, in his attempt to overthrow it, sets up one of infinitely greater magnitude. The quantum of power which we claim over the subject of internal improvement, is, it is true, of greater amount and force than that which results from the President's view of the constitution; but then it is *limited* to the object of internal improvements; whilst the power set up by the President has no such limitation; and, in effect, as I conceive, has no limitation whatever, but that of the ability of the people to bear taxation.

With the most profound respect for the President, and after the most deliberate consideration of his argument, I cannot agree with him. I cannot think that any political power accrues to this government, from the mere authority which it possesses to appropriate the public revenue. The power to make internal improvements draws after it, most certainly, the right to appropriate money to consummate the object. But I cannot conceive that this right of appropriation draws after it the power of internal improvements. The appropriation of money is consequence, not cause. It follows; it does not precede. According to the order of nature, we first determine upon the object to be accomplished, and then appropriate the money necessary to its consummation. According to the order of the constitution, the power is defined, and the application, that is, the appropriation of the money requisite to its effectuation, follows as a necessary and proper means. The practice of congressional legislation is conformable to both. We first inquire what we may do, and provide by law for its being done, and we then appropriate, by another act of legislation, the money necessary to accomplish the specified object. The error of the argument lies in its beginning too soon. It supposes the money to be in the treasury, and then seeks to disburse it. But how came it there? Congress cannot impose taxes without an object. Their imposition must be in reference to



the whole mass of our powers, to the general purposes of government, or with the view to the fulfilment of some of those powers, or to the attainment of some of those purposes. In either case, we consult the constitution, and ascertain the extent of the authority which is confided to us. We cannot, constitutionally, lay the taxes without regard to the extent of our powers; and then, having acquired the money of the public, appropriate it, because we have got it, to any object indefinitely.

Nor do I claim the power in question, from the consent or grant of any particular State or States, through which an object of internal improvement may pass. It might, indeed, be prudent to consult a State, through which an improvement might happen to be carried, from considerations of deference and respect to its sovereign power; and from a disposition to maintain those relations of perfect amity which are ever desirable, between the general and State governments. But the power to establish the improvement must be found in the constitution, or it does not exist. And what is granted by all, it cannot be necessary to obtain the consent of some to perform.

The gentleman from Virginia, in speaking of incidental powers, has used a species of argument which I entreat him candidly to reconsider. He has said, that the chain of cause and effect is without end; that if we argue from a power expressly granted to all others, which might be convenient or necessary to its execution, there are no bounds to the power of this government; that, for example, under the power "to provide and maintain a navy," the right might be assumed to the timber necessary to its construction, and the soil on which it grew. The gentleman might have added, the acorns from which it sprang. What, upon the gentleman's own hypothesis, ought to have been his conclusion? That Congress possessed no power to provide and maintain a navy. Such a conclusion would have been quite as logical, as that Congress has no power over internal improvements, from the *possible* lengths to which this power may be pushed. No one ever has, or can, controvert the existence of incidental powers. We may apply different rules for their extraction, but all must concur in the necessity of their actual existence. They result from the imperfections of our nature, and from the utter impossibility of foreseeing all the turns and vicissitudes in human affairs. They cannot be defined. Much is attained when the power, the end.

is specified and guarded. Keeping that constantly in view, the means necessary to its attainment must be left to the sound and responsible discretion of the public functionary. Intrench him as you please, employ what language you may, in the constitutional instrument, "necessary and proper," "indispensably necessary," or any other, and the question is still left open. Does the proposed measure fall within the scope of the incidental power, circumscribed as it may be? Your safety against abuse must rest in his interest, his integrity, his responsibility to the exercise of the elective franchise; finally, in the ultimate right, when all other redress fails, of an appeal to the remedy, to be used only in extreme cases, of forcible resistance against intolerable oppression.

Doubtless, by an extravagant and abusive enlargement of incidental powers, the State governments may be reduced within too narrow limits. Take any power, however incontestably granted to the general government, and employ that kind of process of reasoning in which the gentleman from Virginia is so skilful, by tracing it to its remotest effects, you may make it absorb the powers of the State governments. Pursue the opposite course; take any incontestable power belonging to the State governments, and follow it out into all its possible ramifications, and you make it thwart and defeat the great operations of the government of the whole. This is the consequence of our systems. Their harmony is to be preserved only by forbearance, liberality, practical good sense, and mutual concession. Bring these dispositions into the administrations of our various institutions, and all the dreaded conflicts of authorities will be found to be perfectly imaginary.

I disclaim, for myself, several sources to which others have ascended, to arrive at the power in question. In making this disclaimer, I mean to cast no imputation on them. I am glad to meet them by whatever road they travel, at the point of a constitutional conclusion. Nor do their positions weaken mine; on the contrary, if correctly taken, and mine also are justified by fair interpretation, they add strength to mine. But I feel it my duty, frankly and sincerely, to state my own views of the constitution. In coming to the ground on which I make my stand to maintain the power, and where I am ready to meet its antagonist, I am happy, in the outset, to state my hearty concurrence with the gentleman from

Virginia, in the old 1798 republican principles—now become federal also—by which the constitution is to be interpreted. I agree with him, that this is a limited government, that it has no powers but the granted powers; and that the granted powers are those which are expressly enumerated, or such as, being implied, are necessary and proper to effectuate the enumerated powers. And, if I do not show the power over federative, national, internal improvements, to be fairly deducible, after the strictest application of these principles, I entreat the committee unanimously to reject the bill. The gentleman from Virginia has rightly anticipated, that, in regard to roads, I claim the power under the grant to *establish* post offices and post roads. The whole question, on this part of the subject, turns upon the true meaning of this clause, and that again upon the genuine signification of the word "*establish*." According to my understanding of it, the meaning of it is, to fix, to make firm, to build. According to that of the gentleman from Virginia, it is to designate, to adopt. Grammatical criticism was to me always unpleasant, and I do not profess to be any proficient in it. But I will confidently appeal, in support of my definition, to any vocabulary whatever, of respectable authority, and to the common use of the word. That it cannot mean only adoption is to me evident, for *adoption* presupposes establishment, which is precedent in its very nature. That which does not exist, which is not established, cannot be adopted. There is, then, an essential difference between the gentleman from Virginia and me. I consider the power as original and creative; he as derivative, adoptive. But I will show, out of the mouth of the President himself, who agrees with the gentleman from Virginia, as to the sense of this word, that what I contend for is its genuine meaning. The President, in almost the first lines of his message to this House, of the fourth of May, 1822, returning the Cumberland bill with his veto, says, "a power to *establish* turnpikes, with gates and tolls, &c., implies a power to adopt and execute a complete system of internal improvement." What is the sense in which the word "*establish*" is here used? Is it not creative? Did the President mean to adopt or designate some pre-existing turnpikes, with gates, &c., or for the first time to set them up, under the authority of Congress? Again, the President says, "If it exist as to one road, (that is, the power to lay duties of transit, and to take the land on a valuation,) it exists as to any other, and to as many roads as Congress may think proper to "*establish*." In what sense does he here employ the word? The

truth is, that the President could employ no better than the constitutional word, and he is obliged to use it in the precise sense for which I contend. But I go to a higher authority than that of the chief magistrate—to that of the constitution itself. In expounding that instrument, we must look at all its parts; and if we find a word, the meaning of which it is desirable to obtain, we may safely rest upon the use which has been made of the same word in other parts of the instrument. The word “establish” is one of frequent recurrence in the constitution; and I venture to say that it will be found uniformly to express the same idea. In the clause enumerating our powers: “Congress has power to *establish* a uniform rule of naturalization,” &c.; in the preamble, “We, the people of the United States, in order to form a more perfect union, *establish* justice, &c., do ordain and *establish* this constitution,” &c.; what pre-existing code of justice was adopted? Did not the people of the United States, in this high sovereign act, contemplate the construction of a code adapted to their federal condition? The sense of the word, as contended for, is self-evident when applied to the constitution.

But let us look at the nature, object, and purposes of the power. The trust confided to Congress is one of the most beneficial character. It is the diffusion of information among all the parts of this republic. It is the transmission and circulation of intelligence; it is to communicate knowledge of the laws and acts of government, and to promote the great business of society in all its relations. This is a great trust, capable of being executed in a highly salutary manner. It can be executed only by Congress, and it should be as well performed as it can be, considering the wants and exigencies of government. And here I beg leave to advert to the principle which I some time ago laid down, that the powers granted to this government are to be carried into execution by its own inherent force and energy, without necessary dependance upon the State governments. If my construction secures this object; and if that of my opponents places the execution of this trust at the pleasure and mercy of the State governments, we must reject theirs, and assume mine. But the construction of the President does make it so dependant. He contends that we can only use as post roads those which the States shall have previously established; that they are at liberty to alter, to change, and of course to shut them up at pleasure. It results from this view of the President, that any of the great mail routes now existing that

for example, from south to north, may be closed at pleasure or by caprice, by any one of the States, or its authorities, through which it passes—by that of Delaware, or any other. Is it possible that that construction of the constitution can be correct, which allows a law of the United States, enacted for the good of the whole, to be obstructed or defeated in its operation by any one of twenty-four sovereigns. The gentleman from Virginia, it is true, denies the right of a State to close a road which has been designated as a post road. But suppose the State, no longer having occasion to use it for its own separate and peculiar purposes, withdraws all care and attention from its preservation. Can the State be compelled to repair it? No! the gentleman from Virginia must say; and I will say, May not the general government repair this road which is abandoned by the State power? May it not repair it in the most efficacious manner? And may it not protect and defend that which it has thus repaired, and which there is no longer an interest or inclination in the State to protect and defend? Or does the gentleman mean to contend that a road may exist in the statute book, which a State will not, and the general government cannot, repair and improve? And what sort of an account should we render to the people of the United States, of the execution of the high trust confided for their benefit to us, if we were to tell them that we had failed to execute it, because a State would not make a road for us?

The roads, and other internal improvements of States, are made in reference to their individual interests. It is the eye only of the whole, and the power of the whole, that can look to the interests of all. In the infancy of the government, and in the actual state of the public treasury, it may be the only alternative left us to use those roads, which are made for State purposes, to promote the national object, in as they may be adapted to it. It may never be necessary to make more than a few great national arteries of communication, leaving to the States the lateral and minor ramifications. Even these should only be executed, without pressure upon the resources of the country, and according to the convenience and ability of government. But, surely, in the performance of a great national duty imposed upon this government, which has for its object the distribution of intelligence, civil, commercial, literary, and social, we ought to perform the substance of the trust, and not content ourselves with a mere inefficient paper execution of it. If I am right in these views, the power to



establish post roads being in its nature original and creative, and the government having adopted the roads made by State means only from its inability to exert the whole extent of its authority, the controverted power is *expressly* granted to Congress, and there is an end of the question.

It ought to be borne in mind, that this power over roads was not contained in the articles of confederation, which limited Congress to the establishment of post-offices; and that the general character of the present constitution, as contrasted with those articles, is that of an enlargement of power. But, if the construction of my opponents be correct, we are left precisely where the articles of confederation left us, notwithstanding the additional words contained in the present constitution. What, too, will the gentleman do with the first member of the clause to establish post *offices*? Must Congress adopt, designate, some pre-existing office, established by State authority? But there is none such. May it not then fix, build, create, *establish* offices of its own?

The gentleman from Virginia sought to alarm us by the awful emphasis with which he set before us the total extent of post roads in the Union. Eighty thousand miles of post roads! exclaimed the gentleman; and you will assert for the general government jurisdiction, and erect turnpikes, on such an immense distance? Not to-day, nor to-morrow; but this government is to last, I trust, for ever; we may at least hope it will endure until the wave of population, cultivation, and intelligence shall have washed the Rocky mountains, and have mingled with the Pacific. And may we not also hope that the day will arrive when the improvements and the comforts of social life shall spread over the wide surface of this vast continent? All this is not to be suddenly done. Society must not be burdened or oppressed. Things must be gradual and progressive. The same species of formidable array which the gentleman makes, might be exhibited in reference to the construction of a navy, or any other of the great purposes of government. We might be told of the fleets and vessels of great maritime powers, which whiten the ocean; and triumphantly asked if we should vainly attempt to cope with or rival that tremendous power? And we should shrink from the effort, if we were to listen to his counsels, in hopeless despair. Yes, sir, it is a subject of peculiar delight to me to look forward to the proud

and happy period, distant as it may be, when circulation and association between the Atlantic and the Pacific, and the Mexican gulf, shall be as free and perfect as they are at this moment in England, or in any other the most highly improved country on the globe. In the mean time, without bearing heavily upon any of our important interests, let us apply ourselves to the accomplishment of what is most practicable, and immediately necessary.

But what most staggers my honorable friend, is the jurisdiction over the sites of roads, and other internal improvements, which he supposes Congress might assume; and he considers the exercise of such a jurisdiction as furnishing the just occasion for serious alarm. Let us analyze the subject. Prior to the erection of a road under the authority of the general government, there existed, in the State throughout which it passes, no actual exercise of jurisdiction over the ground which it traverses *as a road*. There was only the possibility of the exercise of such a jurisdiction, when the State should, if ever erect such a road. But the road is made by the authority of Congress, and out of the *fact* of its erection arises a necessity for its preservation and protection. The road is some thirty, or fifty, or sixty feet in width, and with that narrow limit passes through a part of the territory of the State. The capital expended in the making of the road incorporates itself with and becomes a part of the permanent and immoveable property of the State. The jurisdiction which is claimed for the general government, is that only which relates to the necessary defence, protection, and preservation of the road. It is of a character altogether conservative. Whatever does not relate to the existence and protection of the road, remains with the State. Murders, trespasses, contracts—all the occurrences and transactions of society upon the road, not affecting its actual existence, will fall within the jurisdiction of the civil or criminal tribunals of the State, as if the road had never been brought into existence. How much remains to the State! How little is claimed for the general government! Is it possible that a jurisdiction so limited, so harmless, so unambitious, can be regarded as seriously alarming to the sovereignty of the States? Congress now asserts and exercises, without contestation, a power to protect the mail in its transit, by the sanction of all suitable penalties. The man who violates it is punished with death, or otherwise, according to the circumstances of the case. This power is exerted as incident to that of establishing post offices and post roads. Is the



protection of the thing *in transitu* a power more clearly deducible from the grant, than that of facilitating, by means of a practical road, actual transportation? Mails certainly imply roads, roads imply their own preservation, their preservation implies the power to preserve them, and the constitution tells us, in express terms, that we shall establish the one and the other.

In respect to cutting canals, I admit the question is not quite so clear as in regard to roads. With respect to these, as I have endeavored to show, the power is expressly granted. In regard to canals, it appears to me to be fairly comprehended in, or deducible from, certain granted powers. Congress has power to regulate commerce with foreign nations and among the several States. Precisely the same measure of power which is granted in the one case is conferred in the other. And the uniform practical exposition of the constitution, as to the regulation of foreign commerce, is equally applicable to that among the several States. Suppose, instead of directing the legislation of this government constantly, as heretofore, to the object of foreign commerce, to the utter neglect of the interior commerce among the several States, the fact had been reversed, and now, for the first time, we were about to legislate for our foreign trade. Should we not, in that case, hear all the controverted objections made to the erection of buoys, beacons, light-houses, the surveys of coasts, and the other numerous facilities accorded to the foreign trade, which we now hear to the making of roads and canals? Two years ago, a sea-canal, or in other words, a marine canal, was authorized by an act of Congress in New Hampshire, and I doubt not that many of those voted for it who have now conscientious scruples on this bill. Yes, any thing, every thing may be done for foreign commerce; anything, every thing on the margin of the ocean; but nothing for domestic trade; nothing for the great interior of the country! Yet, the equity and the beneficence of the constitution equally comprehend both. The gentleman does, indeed, maintain that there is a difference as to the character of the facilities in the two cases. But I put it to his own candor, whether the only difference is not that which springs from the nature of the two elements on which the two species of commerce are conducted—the difference between land and water. The principle is the same, whether you promote commerce by opening for it an artificial channel where now there is none, or by increasing the ease or safety with which it may be conducted through a nat-

ural channel which the bounty of Providence has bestowed. In the one case, your object is to facilitate arrival and departure from the ocean to the land. In the other, it is to accomplish the same object from the land to the ocean. Physical obstacles may be greater in the one case than in the other, but the moral or constitutional power equally includes both. The gentleman from Virginia has, to be sure, contended that the power to make these commercial facilities was to be found in another clause of the constitution—that which enables Congress to obtain cessions of territory for specific objects, and grants to it an exclusive jurisdiction. These cessions may be obtained for the “erection of forts, magazines, arsenals, dock-yards, or other needful buildings.” It is apparent that it relates altogether to military or naval affairs, and not to the regulation of commerce. How is the marine canal covered by this clause? Is it to be considered as a “needful building?” The object of this power is perfectly obvious. The convention saw that, in military or naval posts, such as are indicated, it was indispensably necessary, for their proper government, to vest in Congress the power of exclusive legislation. If we claimed over objects of internal improvement an exclusive jurisdiction, the gentleman might urge, with much force, the clause in question. But the claim of concurrent jurisdiction only is asserted. The gentleman professes himself unable to comprehend how concurrent jurisdiction can be exercised by two different governments at the same time over the same persons and things. But, is not this the fact, with respect to the State and federal governments? Does not every person and every thing, within our limits, sustain a two-fold relation to the State and to the federal authority? The power of taxation, as exerted by both governments, that over the militia, besides many others, is concurrent. No doubt embarrassing cases may be conceived and stated by gentlemen of acute and ingenious minds. One was put to me yesterday. Two canals are desired, one by the federal, and the other by a State government; and there is not a supply of water but for the feeder of one canal—which is to take it? The constitution which ordains the supremacy of the laws of the United States, answers the question. The good of the whole is paramount to the good of a part. The same difficulty might possibly arise in the exercise of the incontestable power of taxation. We know that the imposition of taxes has its limits. There is a maximum which cannot be transcended. Suppose the citizen to be taxed by the general government to the utmost extent of his ability, or a thing as much as it can possibly bear, and the



State imposes a tax at the same time, which authority is to take it? Extreme cases of this sort may serve to amuse and to puzzle; but they will hardly ever arise in practice. And we may safely confide in the moderation, good sense, and mutual good dispositions of the two governments, to guard against the imagined conflicts.

It is said by the President, that the power to regulate commerce merely authorizes the laying of imposts and duties. But Congress has no power to lay imposts and duties on the trade among the several States. The grant must mean, therefore, something else. What is it? The power to regulate commerce among the several States, if it have any meaning, implies authority to foster it, to promote it, to bestow on it facilities similar to those which have been conceded to our foreign trade. It cannot mean only an empty authority to adopt regulations, without the capacity to give practical effect to them. All the powers of this government should be interpreted in reference to its first, its best, its greatest object, the union of these States. And is not that union best invigorated by an intimate, social, and commercial connexion between all the parts of the confederacy? Can that be accomplished, that is, can the federative objects of this government be attained, but by the application of federative resources?

Of all the powers bestowed on this government, none are more clearly vested, than that to regulate the distribution of the intelligence, private and official, of the country; to regulate the distribution of commerce; and to regulate the distribution of the physical force of the Union. In the execution of the high and solemn trust which these beneficial powers imply, we must look to the great ends which the framers of our admirable constitution had in view. We must reject, as wholly incompatible with their enlightened and beneficent intentions, that construction of these powers which would resuscitate all the debility and inefficiency of the ancient confederacy. In the vicissitudes of human affairs, who can foresee all the possible cases, in which it may be necessary to apply the public force, within or without the Union? This government is charged with the use of it, to repel invasions, to suppress insurrections, to enforce the laws of the Union; in short, for all the unknown and undefinable purposes of war, foreign or intestine, wherever and however it may rage. During its existence, may not government, for its effectual prosecution, order a road to be made, or a canal to be cut to relieve, for exam-



an exposed point of the Union? If, when the emergency comes, there is a power to provide for it, that power must exist in the constitution, and not in the emergency. A wise, precautionary, and parental policy, anticipating danger, will beforehand provide for the hour of need. Roads and canals are in the nature of fortifications, since, if not the deposits of military resources, they enable you to bring into rapid action the military resources of the country, whatever they may be. They are better than any fortifications, because they serve the double purposes of peace and of war. They dispense in a great degree with fortifications, since they have all the effect of that concentration at which fortifications aim. I appeal from the precepts of the President to the practice of the President. While he denies to Congress the power in question, he does not scruple, upon his sole authority, as numerous instances in the statute book will testify, to order, at pleasure, the opening of roads by the military, and then come here to ask us to pay for them. Nay, more, sir; a subordinate but highly respectable officer of the executive government I believe would not hesitate to provide a boat or cause a bridge to be erected over an inconsiderable stream, to ensure the regular transportation of the mail. And it happens to be within my personal knowledge, that the head of the post-office department, as a prompt and vigilant officer should do, has recently despatched an agent to ascertain the causes of the late frequent vexatious failures of the great northern mail, and to inquire if a provision of a boat or bridge over certain small streams in Maryland, which have produced them, would not prevent their recurrence.

I was much surprised at one argument of the honorable gentleman. He told the House, that the constitution had carefully guarded against inequality, among the several States, in the public burdens, by certain restrictions upon taxation; that the effect of the adoption of a system of internal improvements would be to draw the resources from one part of the Union, and to expend them in the improvements of another; and that the spirit, at least, of the constitutional equality would be thus violated. From the nature of things, the constitution could not specify the theatre of the expenditure of the public treasure. That expenditure, guided by and looking to the public good, must be made, necessarily, where it will most subserve the interests of the whole Union. The argument is, that the *locale* of the collection of the public contributions, and the *locale* of their disbursement, should

is the same. Now, sir, let us carry this argument out; and no man is more capable than the ingenious gentleman from Virginia, of tracing an argument to its utmost consequences. The *locale* of the collection of the public revenue is the pocket of the citizen; and, to abstain from the violation of the principle of equality adverted to by the gentleman, we should restore back into each man's pocket precisely what was taken from it. If the principle contended for be true, we are habitually violating it. We raise about twenty millions of dollars, a very large revenue, considering the actual distresses of the country. And, sir, notwithstanding all the puffing, flourishing statements of its prosperity, emanating from printers who are fed upon the pap of the public treasury, the whole country is in a condition of very great distress. Where is this vast revenue expended? Boston, New York, the great capitals of the north, are the theatres of its disbursement. There the interest upon the public debt is paid. There the expenditure in the building, equipment, and repair of the national vessels takes place. There all the great expenditures of the government necessarily concentrate. This is no cause of just complaint. It is inevitable, resulting from the accumulation of capital, the state of the arts, and other circumstances belonging to our great cities. But, sir, if there be a section of this Union having more right than any other to complain of this transfer of the circulating medium from one quarter of the Union to another, the west, the poor west—

[Here Mr. Barbour explained. He had meant that the constitution limited Congress as to the proportions of revenue to be drawn from the several States; but the principle of this provision would be vacated by internal improvements of immense expense, and yet of a local character. Our public ships, to be sure, are built at the seaports, but they do not remain there. Their home is the mountain wave; but internal improvements are essentially local; they touch the soil of the States, and their benefits, at least the largest part of them, are confined to the States where they exist.]

The explanation of the gentleman has not materially varied the argument. He says the home of our ships is the mountain wave. Sir, if the ships go to sea, the money with which they are built, or refitted, remains on shore, and the cities where the equipment takes place derive the benefit of the expenditure. It requires no stretch of the imagination to conceive the profitable industry—the axes, the hammers, the saws—the mechanic arts, which are put in motion by this expenditure. And all these, and other collateral advantages, are enjoyed by the seaports. The navy is built for the interest of the

whole Internal improvements of that general, federative character, for which we contend, would also be for the interest of the whole. And I should think their abiding with us, and not going abroad on the vast deep, was rather cause of recommendation than objection.

But, Mr. Chairman, if there be any part of this Union more likely than all others to be benefited by the adoption of the gentleman's principle, regulating the public expenditure, it is the west. There is a perpetual drain, from that embarrassed and highly distressed portion of our country, of its circulating medium to the east. There, but few and inconsiderable expenditures of the public money take place. There we have none of those public works, no magnificent edifices, forts, armories, arsenals, dockyards, &c., which, more or less, are to be found in every Atlantic State. In at least seven States beyond the Alleghany, not one solitary public work of this government is to be found. If, by one of those awful and terrible dispensations of Providence which sometimes occur, this government should be annihilated, everywhere on the seaboard traces of its former existence would be found; whilst we should not have, in the west, a single monument remaining, on which to pour out our affections and our regrets. Yet, sir, we do not complain. No portion of your population is more loyal to the Union, than the hardy freemen of the west. Nothing can weaken or eradicate their ardent desire for its lasting preservation. None are more prompt to vindicate the interests and rights of the nation from all foreign aggression. Need I remind you of the glorious scenes in which they participated during the late war—a war in which they had no peculiar or direct interest, waged for no commerce, no seamen of theirs. But it was enough for them that it was a war demanded by the character and the honor of the nation. They did not stop to calculate its cost of blood or of treasure. They flew to arms; they rushed down the valley of the Mississippi, with all the impetuosity of that noble river. They sought the enemy. They found him at the beach. They fought; they bled; they covered themselves and their country with immortal glory. They enthusiastically shared in all the transports occasioned by our victories, whether won on the ocean or on the land. They felt, with the keenest distress, whatever disaster befell us. No, sir, I repeat it, neglect, injury itself, cannot alienate the affections of the west from this government. They cling to it, as to their best, their greatest, their last hope. You may impoverish them, reduce them to ruin, by



the mistakes of your policy, and you cannot drive them from you. They do not complain of the expenditure of the public money where the public exigencies require its disbursement. But, I put it to your candor, if you ought not, by a generous and national policy, to mitigate, if not prevent, the evils resulting from the perpetual transfer of the circulating medium from the west to the east. One million and a half of dollars annually is transferred for the public lands alone; and almost every dollar goes, like him who goes to death—to a bourne from which no traveller returns. In ten years it will amount to fifteen millions; in twenty, to—but I will not pursue the appalling results of arithmetic. Gentlemen who believe that these vast sums are supplied by emigrants from the east, labor under great error. There was a time when the tide of emigration from the east bore along with it the means to effect the purchase of the public domain. But that tide has, in a great measure, now stopped. And, as population advances farther and farther west, it will entirely cease. The greatest migrating States in the Union, at this time, are Kentucky first, Ohio next, and Tennessee. The emigrants from those States carry with them, to the States and Territories lying beyond them, the circulating medium, which, being invested in the purchase of the public land, is transmitted to the points where the wants of government require it. If this debilitating and exhausting process were inevitable, it must be borne with manly fortitude. But we think that a fit exertion of the powers of this government would mitigate the evil. We believe that the government incontestably possesses the constitutional power to execute such internal improvements as are called for by the good of the whole. And we appeal to your equity, to your parental regard, to your enlightened policy, to perform the high and beneficial trust thus sacredly reposed. I am sensible of the delicacy of the topic to which I have reluctantly adverted, in consequence of the observations of the honorable gentleman from Virginia. And I hope there will be no misconception of my motives in dwelling upon it. A wise and considerate government should anticipate and prevent, rather than wait for the operation of causes of discontent.

Let me ask, Mr. Chairman, what has this government done on the great subject of internal improvements, after so many years of its existence, and with such an inviting field before it? You have made the Cumberland road, only. Gentlemen appear to have considered

that a western road. They ought to recollect that not one stone has yet been broken, not one spade of earth has been yet removed in any western State. The road begins in Maryland, and it terminates at Wheeling. It passes through the States of Maryland, Pennsylvania, and Virginia. All the direct benefit of the expenditure of the public money on that road, has accrued to those three States ; not one cent in any western State. And yet we have had to beg, entreat, supplicate you, session after session, to grant the necessary appropriations to complete the road. I have myself toiled until my powers have been exhausted and prostrated, to prevail on you to make the grant. We were actuated to make these exertions for the sake of the collateral benefit only to the west ; that we might have a way by which we should be able to continue and maintain an affectionate intercourse with our friends and brethren—that we might have a way to reach the capital of our country, and to bring our counsels, humble as they may be, to consult and mingle with yours in the advancement of the national prosperity. Yes, sir, the Cumberland road has only reached the margin of a western State ; and, from some indications which have been given during this session, I should apprehend it would there pause for ever, if my confidence in you were not unbounded ; if I had not before witnessed that appeals were never unsuccessful to your justice, to your magnanimity, to your fraternal affection.

But, sir, the bill on your table is no western bill. It is emphatically a national bill, comprehending all, looking to the interests of the whole. The people of the west never thought of, never desired, never asked for, a system exclusively for their benefit. The system contemplated by this bill looks to great national objects, and proposes the ultimate application to their accomplishment of the only means by which they can be effected, the means of the nation—means which, if they be withheld from such objects, the Union, I do most solemnly believe, of these now happy and promising States, may, at some distant (I trust a far, far distant) day, be endangered and shaken at its centre.



## ON THE GREEK REVOLUTION.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 20, 1824.

[THE resolution of Mr. WEBSTER, looking to a recognition of the Independence of Greece, and making an appropriation to send thither a Political Agent, with the amendment of Mr. POINSETT, disclaiming such recognition, but proposing instead a declaration of the sympathy of the United States with the Greeks in their struggle for Independence, being under consideration, Mr. CLAY said:]

IN rising, let me state distinctly the substance of the original proposition of the gentleman from Massachusetts, (Mr. Webster,) with that of the amendment of the gentleman from South Carolina, (Mr. Poinsett.) The resolution proposes a provision of the means to defray the expense of deputing a commissioner or agent to Greece, *whenever* the President, who knows, or ought to know, the disposition of all the European powers, Turkish or Christian, shall deem it proper. The amendment goes to withhold any appropriation to that object, but to make a public declaration of our sympathy with the Greeks, and of our good wishes for the success of their cause. And how has this simple, unpretending, unambitious, this harmless proposition, been treated in debate? It has been argued as if it offered aid to the Greeks; as if it proposed the recognition of the independence of their government; as a measure of unjustifiable interference in the internal affairs of a foreign state, and finally, as war. And they who thus argue the question, whilst they absolutely surrender themselves to the illusions of their own fervid imaginations, and depict, in glowing terms, the monstrous and alarming consequences which are to spring out of a proposition so simple, impute to us, who are its humble advocates, quixotism, quixotism! Whilst they are taking the most extravagant and boundless range, and arguing anything and

everything but the question before the Committee, they accuse us of enthusiasm, of giving the reins to excited feeling, of being transported by our imaginations. No, sir, the resolution is no proposition for aid, nor for recognition, nor for interference, nor for war.

I know that there are some who object to the resolution on account of the source from which it has sprung—who except to its mover, as if its value or importance were to be estimated by personal considerations. I have long had the pleasure of knowing the honorable gentleman from Massachusetts, and sometimes that of acting with him; and I have much satisfaction in expressing my high admiration of his great talents. But I would appeal to my republican friends, those faithful sentinels of civil liberty with whom I have ever acted, shall we reject a proposition, consonant to our principles, favoring the good and great cause, on account of the political character of its mover? Shall we not rather look to the intrinsic merits of the measure, and seek every fit occasion to strengthen and perpetuate liberal principles and noble sentiments? If it were possible for republicans to cease to be the champions of human freedom, and if federalists become its only supporters, I would cease to be a republican; I would become a federalist. The preservation of the public confidence can only be secured, or merited, by a faithful adherence to the principles by which it has been acquired.

Mr. Chairman, is it not extraordinary that for these two successive years the President of the United States should have been freely indulged, not only without censure, but with universal applause, to express the feelings which both the resolution and the amendment proclaim, and yet, if this House venture to unite with him, the most awful consequences are to ensue? From Maine to Georgia, from the Atlantic Ocean to the Gulf of Mexico, the sentiment of approbation has blazed with the rapidity of electricity. Everywhere the interest in the Grecian cause is felt with the deepest intensity, expressed in every form, and increases with every new day and passing hour. And are the representatives of the people alone to be insulated from the common moral atmosphere of the whole land? Shall we shut ourselves up in apathy, and separate ourselves from our country, from our constituents, from our chief magistrate, from our principles?

The measure has been most unreasonably magnified. Gentlemen speak of the watchful jealousy of the Turk, and seem to think the slightest movement of this body will be matter of serious speculation at Constantinople. I believe that neither the Sublime Porte, nor the European allies, attach any such exaggerated importance to the acts and deliberations of this body. The Turk will, in all probability, never hear of the names of the gentlemen who either espouse or oppose the resolution. It certainly is not without a value; but that value is altogether moral; it throws our little tribute into the vast stream of public opinion, which sooner or later must regulate the physical action upon the great interests of the civilized world. But, rely upon it, the Ottoman is not about to declare war against us because this unoffending proposition has been offered by my honorable friend from Massachusetts, whose name, however distinguished and eminent he may be in our own country, has probably never reached the ears of the Sublime Porte. The allied powers are not going to be thrown into a state of consternation, because we appropriate some two or three thousand dollars to send an agent to Greece.

The question has been argued as if the Greeks would be exposed to still more shocking enormities by its passage; as if the Turkish cimeter would be rendered still keener, and dyed deeper and yet deeper in Christian blood. Sir, if such is to be the effect of the declaration of our sympathy, the evil has been already produced. That declaration has been already publicly and solemnly made by the Chief Magistrate of the United States, in two distinct messages. It is this document which commands at home and abroad the most fixed and universal attention; which is translated into all the foreign journals; read by sovereigns and their ministers; and, possibly, in the divan itself. But our resolutions are domestic, for home consumption, and rarely, if ever, meet imperial or royal eyes. The President, in his messages, after a most touching representation of the feelings excited by the Greek insurrection, tells you that the dominion of the Turk is gone for ever; and that the most sanguine hope is entertained that Greece will achieve her independence. Well, sir, if this be the fact, if the allied powers themselves may, possibly, before we again assemble in this hall, acknowledge that independence, is it not fit and becoming in this House to make provision that our President shall be among the foremost, or at least not among the last, in that acknowledgment? So far from this resolution being likely to whet the

vengeance of the Turk against his Grecian victims, I believe its tendency will be directly the reverse. Sir, with all his unlimited power, and in all the elevation of his despotic throne, he is at last but man, made as we are, of flesh, of muscle, of bone and sinew. He is susceptible of pain, and can feel, and has felt the uncalculating valor of American freemen in some of his dominions. And when he is made to understand that the executive of this government is sustained by the representatives of the people; that our entire political fabric, base, column, and entablature, rulers and people, with heart, soul, mind, and strength, are all on the side of the gallant people whom he would crush, he will be more likely to restrain than to increase his atrocities upon suffering and bleeding Greece

The gentleman from New Hampshire (Mr. Bartlett) has made, on this occasion, a very ingenious, sensible, and ironical speech—an admirable *debut* for a new member, and such as I hope we shall often have repeated on this floor. But, permit me to advise my young friend to remember the maxim, “that sufficient unto the day is the evil thereof;” and when the resolution\* on another subject, which I had the honor to submit, shall come up to be discussed, I hope he will not content himself with saying, as he has now done, that it is a very extraordinary one; but that he will then favor the House with an argumentative speech, proving that it is our duty quietly to see laid prostrate every fortress of human hope, and to behold, with indifference, the last outwork of liberty taken and destroyed.

It has been said, that the proposed measure will be a departure from our uniform policy with respect to foreign nations; that it will provoke the wrath of the holy alliance; and that it will, in effect, be a repetition of their own offence, by an unjustifiable interposition in the domestic concerns of other powers. No, sir, not even if it authorized, which it does not, an immediate recognition of Grecian independence. What has been the settled and steady policy and practice of this government, from the days of Washington to the present moment? In the case of France, the father of his country and his successors received Genet, Fouchet, and all the French min-

\* The resolution, offered by Mr. Clay, declaring that the United States would not see with indifference any interference of the holy alliance in behalf of Spain against the new American republics.

isters who followed them, whether sent from king, convention, anarchy, emperor, or king again. The rule we have ever followed has been this: to look at the state of the fact, and to recognise that government, be it what it might, which was in actual possession of sovereign power. When one government is overthrown, and another is established on its ruins, without embarrassing ourselves with any of the principles involved in the contest, we have ever acknowledged the new and actual government as soon as it had undisputed existence. Our simple inquiry has been, is there a government *de facto*? We have had a recent and memorable example. When the allied ministers retired from Madrid, and refused to accompany Ferdinand to Cadiz, ours remained, and we sent out a new minister who sought at that port to present himself to the constitutional king. Why? Because it was the government of Spain, in fact. Did the allies declare war against us for the exercise of this incontestable attribute of sovereignty? Did they even transmit any diplomatic note, complaining of our conduct? The line of our European policy has been so plainly described, that it is impossible to mistake it. We are to abstain from all interference in their disputes, to take no part in their contests, to make no entangling alliances with any of them; but to assert and exercise our indisputable right of opening and maintaining diplomatic intercourse with any actual sovereignty.

There is reason to apprehend that a tremendous storm is ready to burst upon our happy country—one which may call into action all our vigor, courage, and resources. Is it wise or prudent, in preparing to breast the storm, if it must come, to talk to this nation of its incompetency to repel European aggression, to lower its spirit, to weaken its moral energy, and to qualify it for easy conquest and base submission? If there be any reality in the dangers which are supposed to encompass us, should we not animate the people, and adjure them to believe, as I do, that our resources are ample; and that we can bring into the field a million of freemen, ready to exhaust their last drop of blood, and to spend the last cent in the defence of the country, its liberty, and its institutions? Sir, are these, if united, to be conquered by all Europe combined? All the perils to which we can possibly be exposed, are much less in reality than the imagination is disposed to paint them. And they are best averted by an habitual contemplation of them, by reducing them to their true dimensions. If combined Europe is to precipitate itself upon us, we cannot too soon begin



to invigorate our strength, to teach our heads to think, our hearts to conceive, and our arms to execute, the high and noble deeds which belong to the character and glory of our country. The experience of the world instructs us, that conquests are already achieved, which are boldly and firmly resolved on; and that men only become slaves who have ceased to resolve to be free. If we wish to cover ourselves with the best of all armor, let us not discourage our people, let us stimulate their ardor, let us sustain their resolution, let us proclaim to them that we feel as they feel, and that, with them, we are determined to live or die like freemen.

Surely, sir, we need no long or learned lectures about the nature of government, and the influence of property or ranks on society. We may content ourselves with studying the true character of our own people; and with knowing that the interests are confided to us of a nation capable of doing and suffering all things for its liberty. Such a nation, if its rulers be faithful, must be invincible. I well remember an observation made to me by the most illustrious female\* of the age, if not of her sex. All history showed, she said, that a nation was never conquered. No, sir, no united nation that resolves to be free, can be conquered. And has it come to this? Are we so humbled, so low, so debased, that we dare not express our sympathy for suffering Greece, that we dare not articulate our detestation of the brutal excesses of which she has been the bleeding victim, lest we might offend some one or more of their imperial and royal majesties? If gentlemen are afraid to act rashly on such a subject, suppose, Mr. Chairman, that we unite in an humble petition, addressed to their majesties, beseeching them that of their gracious condescension, they would allow us to express our feelings and our sympathies. How shall it run? "We, the representatives of the *free* people of the United States of America, humbly approach the thrones of your imperial and royal majesties, and supplicate that, of your imperial and royal clemency,"—I cannot go through the disgusting recital—my lips have not yet learned to pronounce the sycophantic language of a degraded slave! Are we so mean, so base, so despicable, that we may not attempt to express our horror, utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high heaven; at the ferocious deeds of a savage and infuriated sol-

\* Madam de Stael.

diery, stimulated and urged on by the clergy of a fanatical and inimical religion, and rioting in all the excesses of blood and butchery, at the mere details of which the heart sickens and recoils!

If the great body of Christendom can look on calmly and coolly, whilst all this is perpetrated on a Christian people, in its own immediate vicinity, in its very presence, let us at least evince that one of its remote extremities is susceptible of sensibility to Christian wrongs, and capable of sympathy for Christian sufferings; that in this remote quarter of the world, there are hearts not yet closed against compassion for human woes, that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection, and every modern tie. Sir, the committee has been attempted to be alarmed by the dangers to our commerce in the Mediterranean; and a wretched invoice of figs and opium has been spread before us to repress our sensibilities and to eradicate our humanity. Ah! sir, "what shall it profit a man if he gain the whole world and lose his own soul," or what shall it avail a nation to save the whole of a miserable trade, and lose its liberties?

On the subject of the other independent American States, hitherto it has not been necessary to depart from the rule of our foreign relations, observed in regard to Europe. Whether it will become us to do so or not, will be considered when we take up another resolution, lying on the table. But we may not only adopt this measure; we may go further; we may recognise the government in the Morea, if actually independent, and it will be neither war nor cause of war, nor any violation of our neutrality. Besides, sir, what is Greece to the allies? A part of the dominions of any of them? By no means. Suppose the people in one of the Philippine isles, or any other spot still more insulated and remote, in Asia or Africa, were to resist their former rulers, and set up and establish a new government, are we not to recognise them in dread of the holy allies? If they are going to interfere, from the danger of the contagion of the example, here is the spot, our own favored land, where they must strike. *This* government, you, Mr. Chairman, and the body over which you preside, are the living and cutting reproach to allied despotism. If we are to offend them, it is not by passing this resolution. We are daily and hourly giving them cause of war. It is *here*, and in our free institutions, that they will assail us. They will attack us because you



sit beneath that canopy, and we are freely debating and deliberating upon the great interests of freemen, and dispensing the blessings of free government. They will strike, because we pass one of those bills on your table. The passage of the least of them, by our free authority, is more galling to despotic powers, than would be the adoption of this so much dreaded resolution. Pass it, and what do you do? You exercise an indisputable attribute of sovereignty, for which you are responsible to none of them. You do the same when you perform any other legislative function; no less. If the allies object to this measure, let them forbid us to take a vote in this House; let them strip us of every attribute of independent government; let them disperse us.

Will gentlemen attempt to maintain that, on the principles of the law of nations, those allies would have *cause* of war? If there be any principle which has been settled for ages, any which is founded in the very nature of things, it is that every independent State has the clear right to judge of the *fact* of the existence of other sovereign powers. I admit that there may be a state of inchoate initiative sovereignty, in which a new government, just struggling into being, cannot be said yet perfectly to exist. But the premature recognition of such new government can give offence justly to no other than its ancient sovereign. The right of recognition comprehends the right to be informed; and the means of information must, of necessity, depend upon the sound discretion of the party seeking it. You may send out a commission of inquiry, and charge it with a provident attention to your own people and your own interests. Such will be the character of the proposed agency. It will not necessarily follow, that any public functionary will be appointed by the President. You merely grant the means by which the executive may act when he thinks proper. What does he tell you in his message? That Greece is contending for her independence; that all sympathize with her; and that no power has declared against her. Pass this resolution, and what is the reply which it conveys to him? "You have sent us grateful intelligence; we feel warmly for Greece, and we grant you money, that, when you shall think it proper, when the interests of this nation shall not be jeopardized, you may depute a commissioner or public agent to Greece." The whole responsibility is then left where the constitution puts it. A member in his place may make a speech or proposition, the House may even pass a vote, in respect to

our foreign affairs, which the President, with the whole field lying full before him, would not deem it expedient to effectuate.

But, sir, it is not for Greece alone that I desire to see this measure adopted. It will give to her but little support, and that purely of a moral kind. It is principally for America, for the credit and character of our common country, for our own unsullied name, that I hope to see it pass. What, Mr. Chairman, appearance on the page of history would a record like this exhibit? "In the month of January, in the year of our Lord and Savior, 1824, while all European Christendom beheld, with cold and unfeeling indifference, the unexampled wrongs and inexpressible misery of Christian Greece, a proposition was made in the Congress of the United States, almost the sole, the last, the greatest depository of human hope and human freedom, the representatives of a gallant nation, containing a million of freemen ready to fly to arms, while the people of that nation were spontaneously expressing its deep-toned feeling, and the whole continent, by one simultaneous emotion, was rising, and solemnly and anxiously supplicating and invoking high Heaven to spare and succor Greece, and to invigorate her arms, in her glorious cause, while temples and senate houses were alike resounding with one burst of generous and holy sympathy;—in the year of our Lord and Savior, that Savior of Greece and of us—a proposition was offered in the American Congress to send a messenger to Greece, to inquire into her state and condition, with a kind expression of our good wishes and our sympathies—and it was rejected!" Go home, if you can, go home, if you dare, to your constituents, and tell them that you voted it down—meet, if you can, the appalling countenances of those who sent you here, and tell them that you shrank from the declaration of your own sentiments—that you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, drove you from your purpose—that the spectres of cimeters, and crowns, and crescents, gleamed before you and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity. I cannot bring myself to believe that such will be the feeling of a majority of the committee. But, for myself, though every friend of the cause should desert it, and I be left to stand alone with the gentleman from Massachusetts, I will give to his resolution the poor sanction of my unqualified approbation.



## ADDRESS TO HIS CONSTITUENTS,

### IN REFERENCE TO THE PRESIDENTIAL ELECTION OF 1824-5

[THE year 1824 was signalized by a remarkable contest for the Presidency, between the supporters respectively of JOHN QUINCY ADAMS, WILLIAM H. CRAWFORD, ANDREW JACKSON, and JOHN C. CALHOUN. Mr. Crawford, then Secretary of the Treasury, was first nominated by a caucus of 66 Democratic members of Congress, and was thence put forward as the regular candidate of the party; but this assumption was resisted by the greater number, both in Congress and among the People; and Mr. Adams, the Secretary of State, Mr. Calhoun, lately Secretary of War, Mr. Clay, Speaker of the House, and General Jackson, were severally proposed by their friends in different sections. Mr. Calhoun, finding his prospect desperate, finally withdrew, and threw his weight into the scale of General Jackson; and the contest gradually assumed a more regular shape, the friends of all the others in most States uniting against Mr. Crawford, who, as the caucus candidate, appeared most prominent in the canvass. In this way, the votes of North Carolina, New Jersey and some others, were given to General Jackson, by the aid of the Adams men, Mr. Crawford's strength being greater than that of either competitor, singly. Mr. Clay, aside from being the youngest of the remaining candidates, labored under the disadvantage of having a popular competitor in his own section of the Union, which, in a contest so independent of party considerations, was necessarily much against him. In the Electoral College, General Jackson received 99, Mr. Adams 84, Mr. Crawford 41, and Mr. Clay 38 votes—(those of Ohio, Kentucky, Missouri, and 7 from New York.) No one having a majority, the Constitution required that the election should now be made by the House of Representatives from among the three highest candidates, Mr. Clay being of course excluded. Being himself a member of Congress, and having many supporters and friends in that body, the course which Mr. Clay might think proper to pursue in this election, became a subject of intense interest and universal speculation. With neither of the rival candidates were his relations those of intimate friendship, while with General Jackson, (who appeared to be the second choice of Kentucky,) they had for years been interrupted by the resentment manifested by the latter at the terms in which Mr. Clay spoke of his conduct in the Seminole War, in the Speech heretofore given. Mr. Crawford was then suffering under a disease which incapacitated him for business, and ultimately terminated his life. Mr. Clay decided that every consideration of public duty required him to give his vote for Mr. Adams, which he did, and Mr. Adams was chosen. The moment his decision became known, a violent outcry of "*Bargain and Corruption*" was raised by the disappointed partisans of General



Jackson, led by one Kremer, a Representative from Pennsylvania. In refutation of this charge, Mr. Clay issued the following Address to the People of the Congressional District composed of the counties of Fayette, Woodford, and Clarke, in Kentucky:—

THE relations of your representative and of your neighbor, in which I have so long stood, and in which I have experienced so many strong proofs of your confidence, attachment, and friendship, having just been, the one terminated, and the other suspended, I avail myself of the occasion on taking, I hope a temporary, leave of you, to express my unfeigned gratitude for all your favors, and to assure you that I shall cherish a fond and unceasing recollection of them. The extraordinary circumstances in which, during the late session of Congress, I have been placed, and the unmerited animadversions which I have brought upon myself, for an honest and faithful discharge of my public duty, form an additional motive for this appeal to your candor and justice. If, in the office which I have just left, I have abused your confidence and betrayed your interests, I cannot deserve your support in that on the duties of which I have now entered. On the contrary, should it appear that I have been assailed without just cause, and that misguided zeal and interested passions have singled me out as a victim, I cannot doubt that I shall continue to find, in the enlightened tribunal of the public, that cheering countenance and impartial judgment, without which a public servant cannot possibly discharge with advantage the trust confided to him.

It is known to you, that my name had been presented, by the respectable States of Ohio, Kentucky, Louisiana, and Missouri, for the office of President, to the consideration of the American public, and that it had attracted some attention in other quarters of the Union. When, early in November last, I took my departure from the district to repair to this city, the issue of the Presidential election before the people was unknown. Events, however, had then so far transpired as to render it highly probable that there would be no election by the people, and that I should be excluded from the House of Representatives. It became, therefore, my duty to consider, and to make up an opinion on, the respective pretensions of the three gentlemen who might be returned, and at that early period I stated to Dr. Drake, one of the professors in the medical school of Transylvania University, and to John J. Crittenden, Esq., of Frankfort, my determination to support Mr. Adams in preference to General Jackson. I wrote to

Charles Hammond, Esq., of Cincinnati, about the same time, and mentioned certain objections to the election of Mr. Crawford, (among which was that of his continued ill health,) that appeared to me almost insuperable. During my journey hither, and up to near Christmas, it remained uncertain whether Mr. Crawford or myself would be returned to the House of Representatives. Up to near Christmas, all our information made it highly probable that the vote of Louisiana would be given to me, and that I should consequently be returned, to the exclusion of Mr. Crawford. And, while that probability was strong, I communicated to Mr. Senator Johnston, from Louisiana, my resolution not to allow my name, in consequence of the small number of votes by which it would be carried into the House, if I were returned, to constitute an obstacle, for one moment, to an election in the House of Representatives.

During the month of December, and the greater part of January, strong professions of high consideration, and of unbounded admiration of me, were made to my friends, in the greatest profusion, by some of the active friends of all the returned candidates. Everybody professed to regret, after I was excluded from the House, that I had not been returned to it. I seemed to be the favorite of everybody. Describing my situation to a distant friend, I said to him, "I am enjoying, whilst alive, the posthumous honors which are usually awarded to the venerated dead." A person not acquainted with human nature would have been surprised, in listening to these praises, that the object of them had not been elected by general acclamation. None made more or warmer manifestations of these sentiments of esteem and admiration than some of the friends of General Jackson. None were so reserved as those of Mr. Adams; under an opinion, (as I have learned since the election,) which they early imbibed, that the western vote would be only influenced by its own sense of public duty; and that if its judgment pointed to any other than Mr. Adams, nothing which they could do would secure it to him. These professions and manifestations were taken by me for what they were worth. I knew that the sunbeams would quickly disappear, after my opinion should be ascertained, and that they would be succeeded by a storm; although I did not foresee exactly how it would burst upon my poor head. I found myself transformed from a candidate before the people, into an elector for the people. I deliberately examined the duties incident to this new attitude, and weighed all the facts before



me, upon which my judgment was to be formed or reviewed. If the eagerness of any of the heated partisans of the respective candidates suggested a tardiness in the declaration of my intention, I believed that the new relation in which I was placed to the subject, imposed on me an obligation to pay some respect to delicacy and decorum.

Meanwhile, that very reserve supplied aliment to newspaper criticism. The critics could not comprehend how a man standing as I had stood toward the other gentlemen, should be restrained, by a sense of propriety, from instantly fighting under the banners of one of them, against the others. Letters were issued from the manufactory at Washington, to come back, after performing long journeys, for Washington consumption. These letters imputed to "Mr. Clay and his friends a mysterious air, a portentous silence," &c. From dark and distant hints the progress was easy to open and bitter denunciation. Anonymous letters, full of menace and abuse, were almost daily poured in on me. Personal threats were communicated to me, through friendly organs, and I was kindly apprized of all the glories of village effigies which awaited me. A systematic attack was simultaneously commenced upon me from Boston to Charleston, with an object, present and future, which it was impossible to mistake. No man but myself could know the nature, extent, and variety of means which were employed to awe and influence me. I bore them, I trust, as *your* representative ought to have borne them, and as became me. Then followed the letter, afterwards adopted as his own, by Mr. Kremer, to the *Columbian Observer*. With its character and contents you are well acquainted. When I saw that letter, alleged to be written by a member of the very House over which I was presiding, who was so far designated as to be described as belonging to a particular delegation, by name, a member with whom I might be daily exchanging, at least on my part, friendly salutations, and who was possibly receiving from me constantly acts of courtesy and kindness, I felt that I could no longer remain silent. A crisis appeared to me to have arisen in my public life. I issued my card. I ought not to have put in it the last paragraph, because, although it does not necessarily imply the resort to a personal combat, it admits of that construction: nor will I conceal that such a possible issue was within my contemplation. I owe it to the community to say, that whatever heretofore I may have done, or, by inevitable circumstances, might be forced to do, no man in it holds in deeper abhor-

rence than I do, that pernicious practice. Condemned as it must be by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling about which we cannot, although we should,\* reason. Its true corrective will be found when all shall unite, as all ought to unite, in its unqualified proscription.

A few days after the publication of my card, "Another Card," under Mr. Kremer's name, was published in the *Intelligencer*. The night before, as I was voluntarily informed, Mr. Eaton, a Senator from Tennessee, and the biographer of Gen. Jackson, (who boarded in the end of this city opposite to that in which Mr. Kremer took up his abode, a distance of about two miles and a half,) was closeted for some time with him. Mr. Kremer is entitled to great credit for having overcome all the disadvantages, incident to his early life and want of education, and forced his way to the honorable station of a member of the House of Representatives. Ardent in his attachment to the cause which he had espoused, Gen. Jackson is his idol, and of his blind zeal others have availed themselves, and have made him their dupe and their instrument. I do not pretend to know the object of Mr. Eaton's visit to him. I state the fact, as it was communicated to me, and leave you to judge. Mr. Kremer's card is composed with some care and no little art, and he is made to avow in it, though somewhat equivocally, that he is the author of the letter to the *Columbian Observer*. To Mr. Crowninshield, a member from Massachusetts, formerly Secretary of the Navy, he declared that he was not the author of that letter. In his card he draws a clear line of separation between my friends and me, acquitting them, and undertaking to make good his charges in that letter, only so far as I was concerned. The purpose of this discrimination is obvious. At that time the election was undecided, and it was therefore as important to abstain from imputations against my friends, as it was politic to fix them upon me. If they could be made to believe that I had been perfidious, in the transport of their indignation, they might have been carried to the support of Gen. Jackson. I received the *National Intelligencer*, containing Mr. Kremer's card, at breakfast, (the usual time of its distribution,) on the morning of its publication. As soon as I read the card, I took my resolution. The terms of it clearly implied that it had not entered into his conception to have a personal affair with me; and I should have justly exposed myself to universal



ridicule, if I had sought one with *him*. I determined to lay the matter before the House, and respectfully to invite an investigation of my conduct. I accordingly made a communication to the House on the same day, the motives for which I assigned. Mr. Kremer was in his place, and, when I sat down, rose and stated that he was prepared and willing to substantiate his charges against me. This was his voluntary declaration, unprompted by his aiders and abettors, who had no opportunity of previous consultation with him on that point. Here was an issue publicly and solemnly joined, in which the accused invoked an inquiry into serious charges against him, and the accuser professed an ability and a willingness to establish them. A debate ensued on the next day which occupied the greater part of it, during which Mr. Kremer declared to Mr. Brent, of Louisiana, a friend of mine, and to Mr. Little of Maryland, a friend of Gen. Jackson, as they have certified, "that he never intended to charge Mr. Clay with corruption or dishonor, in his intended vote for Mr. Adams, as President, or that he had transferred, or could transfer, the votes or interests of his friends; that he (Mr. Kremer) was among the last men in the nation to make such a charge *against Mr. Clay*; and that his letter was never intended to convey the idea given to it. \*Mr. Digges, a highly respectable inhabitant of this city, has certified to the same declarations of Mr. Kremer.

A message was also conveyed to me, during the discussion, through a member of the House, to ascertain if I would be satisfied with an explanation which was put on paper and shown me, and which it was stated Mr. Kremer was willing, in his place, to make. I replied that the matter was in the possession of the House. I was afterwards told, that Mr. Ingham, of Pennsylvania, got hold of that paper, put it in his pocket, and that he advised Mr. Kremer to take no step without the approbation of his friends. Mr. Cook, of Illinois, moved an adjournment of the House, on information which he received of the probability of Mr. Kremer's making a satisfactory atonement on the next day, for the injury which he had done me, which I have no doubt he would have made, if he had been left to the impulses of his native honesty. The House decided to refer my communication to a committee, and adjourned until the next day to appoint it by ballot. In the mean time Mr. Kremer had taken, I presume, or rather there had been forced upon him, the advice of *his friends*, and I heard no more of the apology. A committee was appointed of seven gentlemen, of



whom not one was my political friend, but who were among the most eminent members of the body. I received no summons or notification from the committee from its first organization to its final dissolution, but Mr. Kremer was called upon by it to bring forward his proofs. For one moment he pleased to stop here and contemplate his posture, his relation to the House and to me, and the high obligations under which he had voluntarily placed himself. He was a member of one of the most august assemblies upon earth, of which he was bound to defend the purity or expose the corruption by every consideration which ought to influence a patriot bosom. A most responsible and highly important constitutional duty was to be performed by that assembly. He had chosen, in an anonymous letter, to bring against its presiding officer charges, in respect to that duty, of the most flagitious character. These charges comprehended delegations from several highly respectable States. If true, that presiding officer merited not merely to be dragged from the chair, but to be expelled the House. He challenges an investigation into his conduct, and Mr. Kremer boldly accepts the challenge, and promises to sustain his accusation. The committee appointed by the House itself, with the common consent of both parties, calls upon Mr. Kremer to execute his pledge publicly given, in his proper place, and also previously given in the public prints. Here is the theatre of the alleged arrangements; this the vicinage in which the trial ought to take place. Every thing was here fresh in the recollection of the witnesses, if there were any. Here all the proofs were concentrated. Mr. Kremer was stimulated by every motive which could impel to action; by his consistency of character; by duty to his constituents—to his country; by that of redeeming his solemn pledge; by his anxious wish for the success of his favorite, whose interests could not fail to be advanced by supporting his atrocious charges. But Mr. Kremer had now the benefit of the advice of his friends. He had no proofs, for the plainest of all reasons, because there was no truth in his charges. They saw that to attempt to establish them and to fail, as he must fail in the attempt, might lead to an exposure of the conspiracy, of which he was the organ. They advised, therefore, that he should make a retreat, and their adroitness suggested, that in an objection to that jurisdiction of the House, which had been admitted, and in the popular topics of the freedom of the press, his duty to his constituents, and the inequality in the condition of the Speaker of the House, and a member on the floor, plausible means might be found to deceive the ignorant

and conceal his disgrace. A labored communication was accordingly prepared by them, in Mr. Kremer's name, and transmitted to the committee, founded upon these suggestions. Thus the valiant champion, who had boldly stepped forward, and promised, as a representative of the people, to "cry aloud and spare not," forgot all his gratuitous gallantry and boasted patriotism, and sunk at once into profound silence.

With these remarks, I will for the present leave him, and proceed to assign the reasons to you, to whom alone I admit myself to be officially responsible, for the vote which I gave on the Presidential election. The first inquiry which it behooved me to make was, as to the influence which ought to be exerted on my judgment, by the relative state of the electoral votes which the three returned candidates brought into the house from the colleges. General Jackson obtained ninety-nine, Mr. Adams eighty-four, and Mr. Crawford forty-one. Ought the fact of a plurality being given to one of the candidates to have any, and what, weight? If the constitution had intended that it should have been decisive, the constitution would have made it decisive, and interdicted the exercise of any discretion on the part of the House of Representatives. The constitution has not so ordained, but, on the contrary, it has provided, that "from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall *choose*, immediately, by ballot, a President." Thus a discretion is necessarily invested in the House—for choice implies examination, comparison, judgment. The fact, therefore, that one of the three persons was the highest returned, not being, by the constitution of the country, conclusive upon the judgment of the House, it still remains to determine what is the true degree of weight belonging to it? It has been contended that it should operate, if not as an instruction, at least in the nature of one, and that in this form it should control the judgment of the House. But this is the same argument of conclusiveness which the constitution does not enjoin, thrown into a different, but more imposing shape. Let me analyze it. There are certain States, the aggregate of whose electoral votes conferred upon the highest returned candidate, indicate their wish that he should be the President. Their votes amount in number to ninety-nine, out of two hundred and sixty-one electoral votes of the whole Union. These ninety-nine do not, and cannot, of themselves, make the President. If the fact of



particular States giving ninety-nine votes can, according to any received notions of the doctrine of instruction, be regarded in that light, to whom are those instructions to be considered addressed? According to that doctrine, the people who appoint have the right to direct, by their instruction, in certain cases, the course of the representative whom they appoint. The States, therefore, who gave those ninety-nine votes, may in some sense be understood thereby to have instructed *their* representatives in the House to vote for the person on whom they were bestowed, in the choice of a President. But most clearly the representatives coming from other States, which gave no part of those ninety-nine votes, cannot be considered as having been under any obligation to surrender their judgments to those of the States which gave the ninety-nine votes. To contend that they are under such an obligation, would be to maintain that the people of one State have a right to instruct the representatives from another State. It would be to maintain a still more absurd proposition: that in a case where the representatives from a State did not hold themselves instructed and bound by the will of that State, as indicated in its electoral college, the representatives from another State were, nevertheless, instructed and bound by that alien will. Thus the entire vote of North Carolina, and a large majority of that of Maryland, in their respective electoral colleges, were given to one of the three returned candidates, for whom the delegation from neither of those States voted. And yet the argument combated requires that the delegation from Kentucky, who do not represent the people of North Carolina nor Maryland, should be instructed by, and give an effect to, the indicated will of the people of those two States, when their own delegation paid no attention to it. Doubtless, those delegations felt themselves authorized to look into the actual composition of, and all other circumstances connected with, the majorities which gave the electoral votes, in their respective States; and felt themselves justified, from a view of the whole ground, to act upon their responsibility and according to their best judgments, disregarding the electoral votes in their States. And are representatives from a different State not only bound by the will of the people of a different commonwealth, but forbidden to examine into the manner by which the expression of that will was brought about—an examination which the immediate representatives themselves feel it their duty to make?

Is the fact, then, of a plurality to have no weight? Far from it.

Here are twenty-four communities united under a common government. The expression of the will of any one of them is entitled to the most respectful attention. It ought to be patiently heard and kindly regarded by the others ; but it cannot be admitted to be conclusive upon them. The expression of the will of ninety-nine out of two hundred and sixty-one electors is entitled to very great attention, but that will cannot be considered as entitled to control the will of the one hundred and sixty-two electors who have manifested a different will. To give it such controlling influence would be a subversion of the fundamental maxim of the republic—that the majority should govern. The will of the ninety-nine can neither be allowed rightfully to control the remaining one hundred and sixty-two, nor any one of the one hundred and sixty-two electoral votes. It may be an argument, a persuasion, addressed to all and to each of them, but it is binding and obligatory upon none. It follows, then, that the fact of a plurality was only one among the various considerations which the House was called upon to weigh, in making up its judgment. And the weight of the consideration ought to have been regulated by the extent of the plurality. As between General Jackson and Mr. Adams, the vote standing in the proportions of ninety-nine to eighty-four, it was entitled to less weight ; as between the General and Mr. Crawford, it was entitled to more, the vote being as ninety-nine to forty-one. The concession may even be made that, upon the supposition of an equality of pretensions between competing candidates, the preponderance ought to be given to the fact of a plurality.

With these views of the relative state of the vote with which the three returned candidates entered the House, I proceeded to examine the other considerations which belonged to the question. For Mr Crawford, who barely entered the House, with only four votes more than one candidate not returned, and upon whose case, therefore, the argument derived from the fact of plurality operated with strong, though not decisive force, I have ever felt much personal regard. But I was called upon to perform a solemn public duty, in which my private feelings, whether of affection or aversion, were not to be indulged, but the good of my country only consulted. It appeared to me that the precarious state of that gentleman's health, although I participated with his best friends in all their regrets and sympathies on account of it, was conclusive against him, to say nothing of other considerations of a public nature, which would have deserved exam-

ination if, happily, in that respect he had been differently circumstanced. He had been ill near eighteen months; and, although I am aware that his actual condition was a fact depending upon evidence, and that the evidence in regard to it, which had been presented to the public, was not perfectly harmonious, I judged for myself upon what I saw and heard. He may, and I ardently hope will, recover; but I did not think it became me to assist in committing the executive administration of this great republic on the doubtful contingency of the restoration to health of a gentleman who had been so long and so seriously afflicted. Moreover, if, under all the circumstances of his situation, his election had been desirable, I did not think it practicable. I believed, and yet believe, that, if the votes of the western States, given to Mr. Adams, had been conferred on Mr. Crawford, the effect would have been to protract in the House the decision of the contest, to the great agitation and distraction of the country, and possibly to defeat an election altogether; the very worst result, I thought, that could happen. It appeared to me, then, that, sooner or later, we must arrive at the only practical issue of the contest before us, and that was between Mr. Adams and General Jackson, and I thought that the earlier we got there, the better for the country, and for the House.

In considering this only alternative, I was not unaware of your strong desire to have a western President; but I thought that I knew enough of your patriotism and magnanimity, displayed on so many occasions, to believe that you could rise above the mere gratification of sectional pride, if the common good of the whole required you to make the sacrifice of local partiality. I solemnly believed it did, and this brings me to the most important consideration which belonged to the whole subject—that arising out of the respective fitness of the only two real competitors, as it appeared to my best judgment. In speaking of General Jackson, I am aware of the delicacy and respect which are justly due to that distinguished citizen. It is far from my purpose to attempt to disparage him. I could not do it if I were capable of making the attempt; but I shall nevertheless speak of him as becomes me, with truth. I did not believe him so competent to discharge the various, intricate, and complex duties of the office of Chief Magistrate, as his competitor. He has displayed great skill and bravery as a military commander, and his own renown will endure as long as the means exist of preserving a recollection of human transactions. But



to be qualified to discharge the duties of President of the United States, the incumbent must have more than mere military attainments—he must be a STATESMAN. An individual may be a gallant and successful general, an eminent lawyer, an eloquent divine, a learned physician, or an accomplished artist; and doubtless the union of all these characters in the person of a Chief Magistrate would be desirable; but no one of them, nor all combined, will qualify him to be President, unless he superadds that indispensable requisite of being a statesman. Far from meaning to say that it is an objection to the elevation to the Chief Magistracy of any person, that he is a military commander, if he unites the other qualifications, I only intend to say that, whatever may be the success or splendor of his military achievements, if his qualifications be *only* military, that is an objection, and I think a decisive objection, to his election. If General Jackson has exhibited, either in the councils of the Union, or in those of his own State, or in those of any other State or Territory, the qualities of a statesman, the evidence of the fact has escaped my observation. It would be as painful as it is unnecessary to recapitulate some of the incidents, which must be fresh in your recollection, of his public life. But I was greatly deceived in my judgment if they proved him to be endowed with that prudence, temper, and discretion which are necessary for civil administration. It was in vain to remind me of the illustrious example of Washington. There was in that extraordinary person united, a serenity of mind, a cool and collected wisdom, a cautious and deliberate judgment, a perfect command of the passions, and, throughout his whole life, a familiarity and acquaintance with business, and civil transactions, which rarely characterize any human being. No man was ever more deeply penetrated than he was with profound respect for the safe and necessary principle of the entire subordination of the military to the civil authority. I hope I do no injustice to General Jackson when I say, that I could not recognise, in his public conduct, those attainments, for both civil government and military command, which contemporaries and posterity have alike unanimously concurred in awarding as yet only to the father of his country. I was sensible of the gratitude which the people of this country justly feel towards General Jackson for his brilliant military services. But the impulses of public gratitude should be controlled, as it appeared to me, by reason and discretion, and I was not prepared blindly to surrender myself to the hazardous indulgence of a feeling, however amiable and excellent that feeling may be when properly directed. It

did not seem to me to be wise or prudent, if, as I solemnly believe, General Jackson's competency for the office was highly questionable, that he should be placed in a situation where neither his fame nor the public interests would be advanced. General Jackson himself would be the last man to recommend or vote for any one for a place for which he thought him unfit. I felt myself sustained by his own reasoning, in his letter to Mr. Monroe, in which, speaking of the qualifications of our venerable Shelby for the Department of War, he remarked: "I am compelled to say to you, that the acquirements of this worthy man are not competent to the discharge of the multiplied duties of this department. I therefore hope he may not accept the appointment. I am fearful, if he does, he will not add much splendor to his present well-earned standing as a public character." Such was my opinion of General Jackson, in reference to the Presidency. His conviction of Governor Shelby's unfitness, by the habits of his life, for the appointment of Secretary of War, were not more honest nor stronger than mine were of his own want of experience, and the necessary civil qualifications to discharge the duties of a President of the United States. In his elevation to this office, too, I thought I perceived the establishment of a fearful precedent; and I am mistaken in all the warnings of instructive history, if I erred in my judgment. Undoubtedly there are other and many dangers to public liberty, besides that which proceeds from military idolatry; but I have yet to acquire the knowledge of it, if there be one more perilous, or more frequent.

Whether Mr. Adams would or would not have been my choice of a President, if I had been left freely to select from the whole mass of American citizens, was not the question submitted to my decision. I had no such liberty; but I was circumscribed, in the selection I had to make, to one of the three gentlemen whom the people themselves had thought proper to present to the House of Representatives. Whatever objections might be supposed to exist against him, still greater appeared to me to apply to his competitor. Of Mr. Adams, it is but truth and justice to say, that he is highly gifted, profoundly learned, and long and greatly experienced in public affairs, at home and abroad. Intimately conversant with the rise and progress of every negotiation with foreign powers, pending or concluded; personally acquainted with the capacity and attainments of most of the public men of this country whom it might be proper to employ in the public



service; extensively possessed of much of that valuable kind of information which is to be acquired neither from books nor tradition, but which is the fruit of largely participating in public affairs; discreet and sagacious; he would enter upon the duties of the office with great advantages. I saw in his election the establishment of no dangerous example. I saw in it, on the contrary, only conformity to the safe precedents which had been established in the instances of Mr. Jefferson, Mr. Madison, and Mr. Monroe, who had respectively filled the same office from which he was to be translated.

A collateral consideration of much weight was derived from the wishes of the Ohio delegation. A majority of it, during the progress of the session, made up their opinions to support Mr. Adams, and they were communicated to me. They said, "Ohio supported the candidate who was the choice of Kentucky. We failed in our common exertions to secure his election. Now, among those returned, we have a decided preference, and we think you ought to make some sacrifice to gratify us." Was not much due to our neighbor and friend?

I considered, with the greatest respect, the resolution of the General Assembly of Kentucky, requesting the delegation to vote for General Jackson. That resolution, it is true, placed us in a peculiar situation. Whilst every other delegation, from every other State in the Union, was left by its legislature entirely free to examine the pretensions of all the candidates, and to form its unbiased judgment, the General Assembly of Kentucky thought proper to interpose, and request the delegation to give its vote to one of the candidates, whom they were pleased to designate. I felt a sincere desire to comply with a request emanating from a source so respectable, if I could have done so consistently with those paramount duties which I owed to you and to the country. But, after full and anxious consideration, I found it incompatible with my best judgment of those duties to conform to the request of the General Assembly. The resolution asserts that it was the wish of the people of Kentucky that their delegation should vote for the General. It did not inform me by what means that body had arrived at a knowledge of the wish of the people. I knew that its members had repaired to Frankfort before I departed from home to come to Washington. I knew that their attention was fixed on important local concerns, well entitled, by their magnitude,

exclusively to engross it. No election, no general expression of the popular sentiment, had occurred since that in November, when electors were chosen, and at that the people, by an overwhelming majority, had decided against General Jackson. I could not see how such an expression *against* him, could be interpreted into that of a desire *for* his election. If, as is true, the candidate whom they preferred was not returned to the House, it is equally true that the *state* of the contest, as it presented itself here to me, had never been considered, discussed, and decided by the people of Kentucky, in their collective capacity. What would have been their decision on this *new* state of the question, I might have undertaken to conjecture, but the certainty of any conclusion of fact, as to their opinion, at which I could arrive, was by no means equal to that certainty of conviction of my duty to which I was carried by the exertion of my best and most deliberate reflections. The letters from home, which some of the delegation received, expressed the most opposite opinions, and there were not wanting instances of letters from some of the very members who had voted for that resolution, advising a different course. I received from a highly respectable portion of my constituents a paper, instructing me as follows:

"We, the undersigned voters in the Congressional District, having viewed the instruction or request of the legislature of Kentucky, on the subject of choosing a President and Vice President of the United States, with regret, and the said request or instruction to our Representative in Congress from this district being without our knowledge or consent, we, for many reasons known to ourselves, connected with so momentous an occasion, hereby *instruct* our Representative in Congress to vote on this occasion agreeably to his own judgment, and the best lights he may have on the subject, with or without the consent of the legislature of Kentucky."

This instruction came both unexpectedly and unsolicited by me, and it was accompanied by letters assuring me that it expressed the opinion of a majority of my constituents. I could not, *therefore*, regard the resolution as conclusive evidence of your wishes.

Viewed as a mere request, as it purported to be, the general assembly doubtless had the power to make it. But, then, with deference, I think it was worthy of serious consideration whether the dignity of the general assembly ought not to have induced it to forbear addressing itself, not to another legislative body, but to a small part of it, and requesting the members who composed that part, in a case which the constitution had confided to them, to vote according to the wishes of the general assembly, whether those wishes did or did not.

conform to their sense of duty. I could not regard the resolution as an instruction; for, from the origin of our State, its legislature, has never assumed or exercised the right to instruct the representatives in Congress. I did not recognise, the right, therefore, of the legislature to instruct me. I recognised that right only when exerted by you. That the portion of the public servants who made up the general assembly have no right to instruct that portion of them who constituted the Kentucky delegation in the House of Representatives, is a proposition too clear to be argued. The members of the general assembly would have been the first to behold as a presumptuous interposition, any instruction, if the Kentucky delegation could have committed the absurdity to issue, from this place, any instruction to them to vote in a particular manner on any of the interesting subjects which lately engaged their attention at Frankfort. And although nothing is further from my intention than to impute either absurdity or presumption to the general assembly, in the adoption of the resolution referred to, I must say, that the difference between an instruction emanating from them to the delegation, and from the delegation to them, is not in principle, but is to be found only in the degree of superior importance which belongs to the general assembly.

Entertaining these views of the election on which it was made my duty to vote, I felt myself bound, in the exercise of my best judgment, to prefer Mr. Adams; and I accordingly voted for him. I should have been highly gratified if it had not been my duty to vote on the occasion; but that was not my situation, and I did not choose to shrink from any responsibility which appertained to your representative. Shortly after the election, it was rumored that Mr. Kremer was preparing a publication, and the preparations for it which were making excited much expectation. Accordingly, on the twenty-sixth of February, the address, under his name, to the "Electors of the ninth Congressional District of the State of Pennsylvania," made its appearance in the Washington City Gazette. No member of the House, I am persuaded, believed that Mr. Kremer ever wrote one paragraph of that address, or of the plea, which was presented to the committee, to the jurisdiction of the House. Those who counselled him, and composed both papers, and their purposes, were just as well known as the author of any report from a committee to the House. The first observation which is called for by the address is the place of its publication. That place was in this city, remote from the



centre of Pennsylvania, near which Mr. Kremer's district is situated, and in a paper having but a very limited, if any circulation in it. The time is also remarkable. The fact that the President intended to nominate me to the Senate for the office which I now hold, in the course of a few days, was then well known, and the publication of the address was, no doubt, made less with an intention to communicate information to the electors of the ninth Congressional District of Pennsylvania, than to affect the decision of the Senate on the intended nomination. Of the character and contents of that address of Messrs. George Kremer & Co., made up, as it is, of assertion without proof, of inferences without premises, and of careless, jocose, and quizzing conversations of some of my friends, to which I was no party, and of which I had never heard, it is not my intention to say much. It carried its own refutation, and the parties concerned saw its abortive nature the next day, in the indignant countenance of every unprejudiced and honorable member. In his card, Mr. Kremer had been made to say, that he held himself ready "to prove, to the satisfaction of unprejudiced minds, enough to satisfy them of the accuracy of the statements which are contained in that letter, *to the extent that they concerned the course of conduct of H. Clay.*" The object for excluding my friends from this pledge has been noticed. But now the election was decided, and there no longer existed a motive for discrimination between them and me. Hence the only statements that are made, in the address, having the semblance of proof, relate rather to them than to me; and the design was, by establishing something like facts upon them, to make those facts re-act upon me.

Of the few topics of the address upon which I shall remark, the first is, the accusation brought forward against me, of violating instructions. If the accusation were true, who was the party offended, and to whom was I amenable? If I violated any instructions, they must have been yours, since you only had the right to give them, and to you alone was I responsible. Without allowing hardly time for you to hear of my vote, without waiting to know what your judgment was of my conduct, George Kremer & Co. chose to arraign me before the American public as the violator of instructions which I was bound to obey. If, instead of being, as you are, and I hope always will be, vigilant observers of the conduct of your public agents, jealous of your rights, and competent to protect and defend them,

you had been ignorant and culpably confiding, the gratuitous interposition, as your advocate, of the honorable George Kremer, of the ninth Congressional District in Pennsylvania, would have merited your most grateful acknowledgments. Even upon that supposition, his arraignment of me would have required for its support one small circumstance, which happens not to exist, and that is, the fact of your having actually instructed me to vote according to his pleasure.

The relations in which I stood to Mr. Adams constitute the next theme of the address, which I shall notice. I am described as having assumed "a position of peculiar and decided hostility to the election of Mr. Adams," and expressions towards him are attributed to me, which I never used. I am made also responsible for "pamphlets and essays of great ability," published by my friends in Kentucky in the course of the canvass. The injustice of the principle of holding me thus answerable, may be tested by applying it to the case of General Jackson, in reference to publications issued, for example, from the Columbia Observer. That I was not in favor of the election of Mr. Adams, when the contest was before the people, is most certain. Neither was I in favor of that of Mr. Crawford or Gen. Jackson. That I ever did anything against Mr. Adams, or either of the other gentlemen, inconsistent with a fair and honorable competition, I utterly deny. My relations to Mr. Adams have been the subject of much misconception, if not misrepresentation. I have been stated to be under a public pledge to expose some nefarious conduct of that gentleman, during the negotiation at Ghent, which would prove him to be entirely unworthy of public confidence; and that with a knowledge of his perfidy, I nevertheless voted for him. If these imputations are well founded, I should, indeed, be a fit object of public censure; but if, on the contrary, it shall be found that others, inimical both to him and to me, have substituted their own interested wishes for my public promises, I trust that the indignation, which they would excite, will be turned from me. My letter, addressed to the editors of the Intelligencer, under date of the fifteenth of November, 1822, is made the occasion for ascribing to me the promise and the pledge to make those treasonable disclosures on Mr. Adams. Let that letter speak for itself, and it will be seen how little justice there is for such an assertion. It adverts to the controversy which had arisen between Messrs. Adams and Russell, and then proceeds to state that,

"in the course of several publications, of which it has been the occasion, and particularly, in the appendix to a pamphlet which had been recently published by the Hon. John Quincy Adams, I think there are some errors, no doubt unintentional, both as to matters of fact and matters of opinion, in regard to the transactions at Ghent, relating to the navigation of the Mississippi, and certain liberties claimed by the United States in the fisheries, *and to the part which I bore in those transactions*. These important interests are now well secured."—  
"An account, therefore, of what occurred in the negotiation at Ghent, on those *two* subjects, is not, perhaps, necessary to the present or future security of any of the rights of the nation, and is *only* interesting as appertaining to its *past* history. With these impressions, and being extremely unwilling to present myself, at any time, before the public, I had *almost* resolved to remain silent, and thus expose myself to the inference of an acquiescence in the correctness of all the statements made by both my colleagues; but I have, on more reflection, thought it may be expected of me, and be considered as a duty on my part, to contribute all in my power towards a full and faithful understanding of the transactions referred to. Under this conviction, I will, at some future period, more propitious than the present to calm and dispassionate consideration, and when there can be no misinterpretation of motives, lay before the public a narrative of those transactions, as I understood them."

From even a careless perusal of that letter, it is apparent, that the only two subjects of the negotiations at Ghent, to which it refers, were the navigation of the Mississippi, and certain fishing liberties; that the errors, which I had supposed were committed, applied to both Mr. Russell and Mr. Adams, though more particularly to the appendix of the latter; that they were unintentional; that they affected myself principally; that I deemed them of no public importance, as connected with the then, or future security of any of the rights of the nation, but only interesting to its past history; that I doubted the necessity of my offering to the public any account of those transactions; and that the narrative which I promised was to be presented at a season of more calm, and when there could be no misinterpretation of motives. Although Mr. Adams believes otherwise, I yet think there are some unintentional errors in the controversial papers between him and Mr. Russell. But I have reserved to myself an exclusive right of judging when I shall execute the promise which

I have made, and I shall be neither quickened nor retarded in its performance by the friendly anxieties of any of my opponents.

If injury accrue to any one by the delay in publishing the narrative, the public will not suffer by it. It is already known by the publication of the British and American projets, the protocols, and the correspondence between the respective plenipotentiaries, that the British government made at Ghent a demand of the navigation of the Mississippi, by an article in their projet nearly in the same words as those which were employed in the treaty of 1783; that a majority of the American commissioners was in favor of acceding to that demand, upon the condition that the British government would concede to us the same fishing liberties within their jurisdiction, as were secured to us by the same treaty of 1783; and that both demands were finally abandoned. The fact of these mutual propositions was communicated by me to the American public in a speech which I delivered in the House of Representatives, on the twenty-ninth day of January, 1816. Mr. Hopkinson had arraigned the terms of the treaty of peace, and charged upon the war and the administration the loss of the fishing liberties, within the British jurisdiction, which we enjoyed prior to the war. In vindicating, in my reply to him, the course of the government, and the conditions of the peace, I stated :—

“ When the British commissioners demanded, in their projet, a renewal to Great Britain of the right to the navigation of the Mississippi, secured by the treaty of 1783, a bare majority of the American commissioners offered to renew it, upon the condition that the liberties in question were renewed to us. I was not one of that majority. I will not trouble the committee with my reasons for being opposed to the offer. A majority of his colleagues, actuated, I believe, by the best motives, made, however, the offer, and it was refused by the British commissioners.”

And what I thought of my colleagues of the majority, appears from the same extract. The spring after the termination of the negotiations at Ghent, I went to London, and entered upon a new and highly important negotiation with two of them, (Messrs. Adams and Gallatin,) which resulted, on the third day of July, 1815, in the commercial convention, which has been since made the basis of most of our commercial arrangements with foreign powers. Now, if I had discovered at Ghent, as has been asserted, that either of them was false and faithless to his country, would I have voluntarily commenced with them another negotiation? Further: there never has been a period, during our whole acquaintance, that Mr. Adams and I have not exchanged, when we have met, friendly salutations, and the courtesies and hospitalities of social intercourse.



The address proceeds to characterize the support which I gave to Mr. Adams as unnatural. The authors of the address have not stated why it is unnatural, and we are therefore left to conjecture their meaning. Is it because Mr. Adams is from New England, and I am a citizen of the West? If it be unnatural in the Western States to support a citizen of New England, it must be equally unnatural in the New England States to support a citizen of the West. And, on the same principle, the New England States ought to be restrained from concurring in the election of a citizen of the Southern States, or the Southern States from co-operating in the election of a citizen of New England. And, consequently, the support which the last three Presidents have derived from New England, and that which the Vice-President recently received, has been most unnaturally given. The tendency of such reasoning would be to denationalize us, and to contract every part of the Union within the narrow, selfish limits of its own section. It would be still worse; it would lead to the destruction of the Union itself. For if it be unnatural in one section to support a citizen in another, the Union itself must be unnatural; all our ties, all our glories, all that is animating in the past, all that is bright and cheering in the future, must be unnatural. Happily, such is the admirable texture of our Union, that the interests of all its parts are closely interwoven. If there are strong points of affinity between the South and the West, there are interests of not less, if not greater, strength and vigor, binding the West, and the North, and the East.

Before I close this address, it is my duty, which I proceed to perform with great regret, on account of the occasion which calls for it, to invite your attention to a letter, addressed by General Jackson to Mr. Swartwout, on the twenty-third day of February last. The names of both the General and myself had been before the American public for its highest office. We had both been unsuccessful. The unfortunate have usually some sympathy for each other. For myself, I claim no merit for the cheerful acquiescence which I have given in a result by which I was excluded from the House. I have believed that the decision by the constituted authorities, in favor of others, has been founded upon a conviction of the superiority of their pretensions. It has been my habit, when an election is once decided, to forget, as soon as possible, all the irritating circumstances which attended the preceding canvass. If one be successful, he should be content with his success. If he have lost it, railing will do no good. I never



gave General Jackson nor his friends any reason to believe that I would, in any contingency, support him. He had, as I thought, no public claim, and, I will now add, no personal claims, if these ought to be ever considered, to my support. No one, therefore, ought to have been disappointed or chagrined that I did not vote for him, no more than I was neither surprised nor disappointed that he did not, on a more recent occasion, feel it to be his duty to vote for me. After commenting upon a particular phrase used in my letter to Judge Brooke, a calm reconsideration of which will, I think, satisfy any person that it was not employed in an offensive sense, if indeed it have an offensive sense, the General, in his letter to Mr. Swartwout, proceeds to remark: "No one beheld me seeking, through art or management, to entice any Representative in Congress from a conscientious responsibility of his own, or the wishes of his constituents. No midnight taper burnt by me; no secret conclaves were held, nor cabals entered into to persuade any one to a violation of pledges given, or of instructions received. By me no plans were concerted to impair the pure principles of our republican institutions, nor to prostrate that fundamental maxim which maintains the supremacy of the people's will. On the contrary, having never in any manner, before the people or Congress, interfered in the slightest degree with the question, my conscience stands void of offence, and will go quietly with me, regardless of the insinuations of those who, through management, may seek an influence not sanctioned by integrity and merit." I am not aware that this defence of himself was rendered necessary by any charges brought forward against the General. Certainly I never made any such charges against him. I will not suppose that, in the passage cited, he intended to impute to me the misconduct which he describes, and yet, taking the whole context of his letter together, and coupling it with Mr. Kremer's address, it cannot be disguised that others may suppose he intended to refer to me. I am quite sure that, if he did, he could not have formed those unfavorable opinions of me upon any personal observation of my conduct made by himself; for a supposition that they were founded upon his own knowledge, would imply that my lodgings and my person had been subjected to a system of espionage wholly incompatible with the open, manly, and honorable conduct of a gallant soldier. If he designed any insinuations against me, I must believe that he made them upon the information of others, of whom I can only say that they have deceived his credulity, and are entirely unworthy of all credit. I entered into no cabals;

I held no secret conclaves; I enticed no man to violate pledges given or instructions received. The members from Ohio, and from the other western States, with whom I voted, were all of them as competent as I was to form an opinion on the pending election. The McArthurs and the Metcalfs, and the other gentlemen from the West, (some of whom have, if I have not, bravely "made an effort to repel an invading foe,") are as incapable of dishonor as any men breathing; as disinterested, as unambitious, as exclusively devoted to the best interests of their country. It was quite as likely that I should be influenced by them, as that I could control their votes. Our object was not to impair, but to preserve from all danger, the purity of our republican institutions. And how I prostrated the maxim which maintains the supremacy of the people's will, I am entirely at a loss to comprehend. The illusions of the General's imagination deceive him. *The people* of the United States had never decided the election in his favor. If the people had *willed* his election, he would have been elected. It was because they had *not willed* his election, nor that of any other candidate, that the duty of making a choice devolved on the House of Representatives. The General remarks:

"Mr Clay has never yet risked himself for his country. He has never sacrificed his repose, nor made an effort to repel an invading foe; of *course* his conscience assured him it was altogether wrong in any other man to lead his countrymen to battle and victory."

The logic of this conclusion is not very striking. General Jackson fights better than he reasons. When have I failed to concur in awarding appropriate honors to those who, on the sea or on the land, have sustained the glory of our arms, if I could not always approve of the acts of some of them? It is true, that it has been my misfortune never to have repelled an invading foe, nor to have led my countrymen to victory. If I had, I should have left to others to proclaim and appreciate the deed. The General's destiny and mine have led us in different directions. In the civil employments of my country, to which I have been confined, I regret that the little service which I have been able to render it falls far short of my wishes. But why this denunciation of those who have not repelled an invading foe, or led our armies to victory? At the very moment when he is inveighing against an objection to his election to the Presidency, founded upon the exclusive military nature of his merits, does he not perceive that he is establishing its validity by proscribing every man who has

not successfully fought the public enemy; and that, by such a general proscription, and the requirement of successful military service as the only condition of civil preferment, the inevitable effect would be the ultimate establishment of a military government?

If the contents of the letter to Mr. Swartwout were such as justly to excite surprise, there were other circumstances not calculated to diminish it. Of all the citizens of the United States, that gentleman is one of the last to whom it was necessary to address any vindication of General Jackson. He had given abundant evidence of his entire devotion to the cause of the General. He was here after the election, and was one of a committee who invited the General to a public dinner, proposed to be given to him in this place. My letter to Judge Brooke was published in the papers of this city on the twelfth of February. The General's note, declining the invitation of Messrs. Swartwout and others, was published on the fourteenth, in the National Journal. The probability therefore is, that he did not leave this city until after he had a full opportunity to receive, in a personal interview with the General, any verbal observations upon it which he might have thought proper to make. The letter to Mr. Swartwout bears date the twenty-third of February. If received by him in New York, it must have reached him, in the ordinary course of mail, on the twenty-fifth or twenty-sixth. Whether intended or not as a "private communication," and not for the "public eye," as alleged by him, there is much probability in believing that its publication in New York, on the fourth of March, was then made, like Mr. Kremer's address, with the view to its arrival in this city in time to affect my nomination to the Senate. In point of fact, it reached here the day before the Senate acted on that nomination.

Fellow-citizens, I am sensible that, generally, a public officer had better abstain from any vindication of his conduct, and leave it to the candor and justice of his countrymen, under all its attending circumstances. Such has been the course which I have heretofore prescribed to myself. This is the first, as I hope it may be the last, occasion of my thus appearing before you. The separation which has just taken place between us, and the venom, if not the vigor, of the late onsets upon my public conduct, will, I hope, be allowed in this instance to form an adequate apology. It has been upwards of twenty years since I first entered the public service. Nearly three-fourths of that

time, with some intermissions, I have represented the same district in Congress, with but little variation in its form. During that long period, you have beheld our country passing through scenes of peace and war, of prosperity and adversity, and of party divisions, local and general, often greatly exasperated against each other. I have been an actor in most of those scenes. Throughout the whole of them you have clung to me with an affectionate confidence which has never been surpassed. I have found in your attachment, in every embarrassment in my public career, the greatest consolation, and the most encouraging support. I should regard the loss of it as one of the most afflicting public misfortunes which could befall me. That I have often misconceived your true interests, is highly probable. That I have ever sacrificed them to the object of personal aggrandizement, I utterly deny. And, for the purity of my motives, however in other respects I may be unworthy to approach the Throne of Grace and Mercy, I appeal to the justice of my God, with all the confidence which can flow from a consciousness of perfect rectitude.

## ON AMERICAN INDUSTRY.

IN THE HOUSE OF REPRESENTATIVES, MARCH 30 AND 31, 1824.

[The bill imposing farther duties on Imports in aid of the great Producing Interests of the country, (which became a law, and is now known as the Tariff of 1824,) being under consideration in the House, sitting as a Committee of the Whole, and Mr. P. P. BARBOUR, of Virginia, having spoken at length in opposition to its passage, Mr. OLAY took the floor in reply, and spoke as follows:]

THE gentleman from Virginia (Mr. Barbour) has embraced the occasion produced by the proposition of the gentleman from Tennessee, to strike out the minimum price in the bill on cotton fabrics, to express his sentiments at large on the policy of the pending measure; and it is scarcely necessary for me to say, that he has evinced his usual good temper, ability, and decorum. The parts of the bill are so intermingled and interwoven together, that there can be no doubt of the fitness of this occasion to exhibit its merits or its defects. It is my intention, with the permission of the committee, to avail myself also of this opportunity, to present to its consideration those general views, as they appear to me, of the true policy of this country, which imperiously demand the passage of this bill. I am deeply sensible, Mr. Chairman, of the high responsibility of my present situation. But that responsibility inspires me with no other apprehension than that I shall be unable to fulfil my duty; with no other solicitude than that I may, at least, in some small degree, contribute to recall my country from the pursuit of a fatal policy, which appears to me inevitably to lead to its impoverishment and ruin. I do feel most awfully this responsibility. And, if it were allowable for us, at the present day, to imitate ancient examples, I would invoke the aid of the Most High. I would anxiously and fervently implore His Di-



vine assistance ; that He would be graciously pleased to shower on my country His richest blessings ; and that He would sustain, on this interesting occasion, the humble individual who stands before Him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station.

Two classes of politicians divide the people of the United States. According to the system of one, the produce of foreign industry should be subjected to no other impost than such as may be necessary to provide a public revenue ; and the produce of American industry should be left to sustain itself, if it can, with no other than that incidental protection, in its competition, at home as well as abroad, with rival foreign articles. According to the system of the other class, whilst they agree that the imposts should be mainly, and may, under any modification, be safely relied on as a fit and convenient source of public revenue, they would so adjust and arrange the duties on foreign fabrics as to afford a gradual but adequate protection to American industry, and lessen our dependance on foreign nations, by securing a certain and ultimately a cheaper and better supply of our own wants from our own abundant resources. Both classes are equally sincere in their respective opinions, equally honest, equally patriotic, and desirous of advancing the prosperity of the country. In the discussion and consideration of these opposite opinions, for the purpose of ascertaining which has the support of truth and reason, we should, therefore, exercise every indulgence, and the greatest spirit of mutual moderation and forbearance. And, in our deliberations on this great question, we should look fearlessly and truly at the actual condition of the country, retrace the causes which have brought us into it, and snatch, if possible, a view of the future. We should, above all, consult experience—the experience of other nations, as well as our own, as our truest and most unerring guide.

In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce ; by the depressed and reduced state of our foreign navigation ; by our diminished commerce ; by successive unthrashed crops of grain, perishing in our barns and barn-yards for the want of a market ; by the alarming dimi-

nation of the circulating medium ; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society ; by a universal complaint of the want of employment, and a consequent reduction of the wages of labor ; by the ravenous pursuit after public situations, not for the sake of their honors and the performance of their public duties, but as a means of private subsistence ; by the reluctant resort to the perilous use of paper money ; by the intervention of legislation in the delicate relation between debtor and creditor ; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about fifty per centum within a few years. This distress pervades every part of the Union, every class of society ; all feel it, though it may be felt, at different places, in different degrees. It is like the atmosphere which surrounds us—all must inhale it, and none can escape it. In some places it has burst upon our people, without a single mitigating circumstance to temper its severity. In others, more fortunate, slight alleviations have been experienced in the expenditure of the public revenue, and in other favoring causes. A few years ago, the planting interest consoled itself with its happy exemptions ; but it has now reached this interest also, which experiences, though with less severity, the general suffering. It is most painful to me to attempt to sketch or to dwell on the gloom of this picture. But I have exaggerated nothing. Perfect fidelity to the original would have authorized me to have thrown on deeper and darker hues. And it is the duty of the statesman, no less than that of the physician, to survey, with a penetrating, steady, and undismayed eye, the actual condition of the subject on which he would operate ; to probe to the bottom the diseases of the body politic, if he would apply efficacious remedies. We have not, thank God, suffered in any great degree for food. But distress, resulting from the absence of a supply of the mere physical wants of our nature, is not the only, nor, perhaps, the keenest distress, to which we may be exposed. Moral and pecuniary suffering is, if possible, more poignant. It plunges its victim into hopeless despair. It poisons, it paralyzes, the spring and source of all useful exertion. Its unsparing action is collateral as well as direct. It falls with inexorable force at the same time upon the wretched family of embarrassment and insolvency, and upon its head. They are a faithful mirror, reflecting back upon him, at once, his own frightful image, and that, no less appalling, of the dearest objects of

his affection. What is the CAUSE of this wide-spreading distress, of this deep depression which we behold stamped on the public countenance? We are the same people. We have the same country. We cannot arraign the bounty of Providence. The showers still fall in the same grateful abundance. The sun still casts his genial and vivifying influence upon the land; and the land, fertile and diversified in its soil as ever, yields to the industrious cultivator, in boundless profusion, its accustomed fruits, its richest treasures. Our vigor is unimpaired. Our industry is not relaxed. If ever the accusation of wasteful extravagance could be made against our people, it cannot now be justly preferred. They, on the contrary, for the few last years, at least, have been practising the most rigid economy. The causes, then, of our present affliction, whatever they may be, are human causes, and human causes not chargeable upon the people in their private and individual relations.

What, again I would ask, is the CAUSE of the unhappy condition of our country, which I have faintly depicted? It is to be found in the fact that, during almost the whole existence of this government, we have shaped our industry, our navigation, and our commerce, in reference to an extraordinary war in Europe, and to foreign markets, which no longer exist; in the fact that we have depended too much upon foreign sources of supply, and excited too little the native; in the fact that, whilst we have cultivated, with assiduous care, our foreign resources, we have suffered those at home to wither, in a state of neglect and abandonment. The consequence of the termination of the war of Europe, has been the resumption of European commerce, European navigation, and the extension of European agriculture and European industry, in all its branches. Europe, therefore, has no longer occasion, to any thing like the same extent, as that she had during her wars, for American commerce, American navigation, the produce of American industry. Europe, in commotion and convulsed throughout all her members, is to America no longer the same Europe as she is now, tranquil, and watching with the most vigilant attention all her own peculiar interests, without regard to the operation of her policy upon us. The effect of this altered state of Europe upon us, has been to circumscribe the employment of our marine, and greatly to reduce the value of the produce of our territorial labor. The further effect of this twofold reduction has been to decrease the value of all property, whether on the land or on the ocean, and which I

suppose to be about fifty per centum. And the still further effect has been to diminish the amount of our circulating medium, in a proportion not less, by its transmission abroad, or its withdrawal by the banking institutions, from a necessity which they could not control. The quantity of money, in whatever form it may be, which a nation wants, is in proportion to the total mass of its wealth, and to the activity of that wealth. A nation that has but little wealth, has but a limited want of money. In stating the fact, therefore, that the total wealth of the country has diminished within a few years, in a ratio of about fifty per centum, we shall, at once, fully comprehend the inevitable reduction, which must have ensued, in the total quantity of the circulating medium of the country. A nation is most prosperous when there is a gradual and untempting addition to the aggregate of its circulating medium. It is in a condition the most adverse, when there is a rapid diminution in the quantity of the circulating medium, and a consequent depression in the value of property. In the former case, the wealth of individuals insensibly increase, and income keeps ahead of expenditure. But, in the latter instance, debts have been contracted, engagements made, and habits of expense established, in reference to the existing state of wealth and of its representative. When these come to be greatly reduced, individuals find their debts still existing, their engagements unexecuted, and their habits inveterate. They see themselves in the possession of the same property, on which, in good faith, they had bound themselves.—But that property, without their fault, possesses no longer the same value; and hence discontent, impoverishment, and ruin arise. Let us suppose, Mr. Chairman, that Europe was again the theatre of such a general war as recently raged throughout all her dominions—such a state of the war as existed in her greatest exertions and in our greatest prosperity: instantly there would arise a greedy demand for the surplus produce of our industry, for our commerce, for our navigation. The languor which now prevails in our cities, and in our sea-ports, would give way to an animated activity. Our roads and rivers would be crowded with the produce of the interior. Everywhere we should witness excited industry. The precious metals would reflow from abroad upon us. Banks, which have maintained their credit, would revive their business; and new banks would be established, to take the place of those which have sunk beneath the general pressure. For it is a mistake to suppose that they have produced our present adversity; they may have somewhat aggravated it, but they were the

effect and the evidence of our prosperity. Prices would again get up; the former value of property would be restored. And those embarrassed persons who have not been already overwhelmed by the times, would suddenly find, in the augmented value of their property, and the renewal of their business, ample means to extricate themselves from all their difficulties. The greatest want of civilized society is a market for the sale and exchange of the surplus of the produce of the labor of its members. This market may exist at home or abroad, or both; but it must exist somewhere, if society prospers; and wherever it does exist, it should be competent to the absorption of the entire surplus of production. It is most desirable that there should be both a home and a foreign market. But, with respect to their relative superiority, I cannot entertain a doubt. The home market is first in order, and paramount in importance. The object of the bill, under consideration, is to create this home market, and to lay the foundations of a genuine American policy. It is opposed, and it is incumbent upon the partisans of the foreign policy (terms which I shall use without any invidious intent) to demonstrate that the foreign market is an adequate vent for the surplus produce of our labor. But is it so? 1. Foreign nations cannot, if they would, take our surplus produce. If the source of supply, no matter of what, increases in a greater ratio than the demand for that supply, a glut of the market is inevitable, even if we suppose both to remain perfectly unobstructed. The duplication of our population takes place in terms of about twenty-five years. The term will be more and more extended as our numbers multiply. But it will be a sufficient approximation to assume this ratio for the present. We increase, therefore, in population, at the rate of about four per centum per annum. Supposing the increase of our production to be in the same ratio, we should, every succeeding year, have of surplus produce, four per centum more than that of the preceding year, without taking into the account the differences of seasons which neutralize each other. If, therefore, we are to rely upon the foreign market exclusively, foreign consumption ought to be shown to be increasing in the same ratio of four per centum per annum, if it be an adequate vent for our surplus produce. But, as I have supposed the measure of our increasing production to be furnished by that of our increasing population, so the measure of their power of consumption must be determined by that of the increase of their population. Now, the total foreign population, who consume our surplus produce, upon an average, do not double



their aggregate number in a shorter term than that of about one hundred years. Our powers of production increase then in a ratio four times greater than their powers of consumption. And hence their utter inability to receive from us our surplus produce.

But, secondly. If they could, they will not. The policy of all Europe is adverse to the reception of our agricultural produce, so far as it comes into collision with its own; and under that limitation we are absolutely forbid to enter their ports, except under circumstances which deprive them of all value as a steady market. The policy of all Europe rejects those great staples of our country, which consist of objects of human subsistence. The policy of all Europe refuses to receive from us any thing but those raw materials of smaller value, essential to their manufactures, to which they can give a higher value, with the exception of tobacco and rice, which they cannot produce. Even Great Britain, to which we are its best customer, and from which we receive nearly one half in value of our whole imports, will not take from us articles of subsistence produced in our country cheaper than can be produced in Great Britain. In adopting this exclusive policy, the states of Europe do not inquire what is best for us, but what suits themselves respectively; they do not take jurisdiction of the question of our interests, but limit the object of their legislation to that of the conservation of their own peculiar interests, leaving us free to prosecute ours as we please. They do not guide themselves by that romantic philanthropy which we see displayed here, and which invokes us to continue to purchase the produce of foreign industry, without regard to the state or prosperity of our own, that foreigners may be pleased to purchase the few remaining articles of ours, which their restricted policy has not yet absolutely excluded from their consumption. What sort of a figure would a member of the British parliament have made—what sort of a reception would his opposition have obtained, if he had remonstrated against the passage of the corn law, by which British consumption is limited to the bread-stuffs of British production, to the entire exclusion of American, and stated that America could not and would not buy British manufactures, if Britain did not buy American flour?

Both the inability and the policy of foreign powers, then, forbid us to rely upon the foreign market as being an adequate vent for the surplus produce of American labor. Now, let us see if this general

reasoning is not fortified and confirmed by the actual experience of this country. If the foreign market may be safely relied upon, as furnishing an adequate demand for our surplus produce, then the official documents will show a progressive increase, from year to year, in the exports of our native produce, in a proportion equal to that which I have suggested. If, on the contrary, we shall find from them that, for a long term of past years, some of our most valuable staples have retrograded, some remained stationary, and others advanced but little, if any, in amount, with the exception of cotton, the deductions of reason and the lessons of experience will alike command us to withdraw our confidence in the competency of the foreign market. The total amount of all our exports of domestic produce for the year beginning in 1795, and ending on the thirtieth September, 1796, was forty millions seven hundred and sixty-four thousand and ninety-seven. Estimating the increase according to the ratio of the increase of our population, that is, at four per centum per annum, the amount of the exports of the same produce, in the year ending on the thirtieth September last, ought to have been eighty-five millions four hundred and twenty thousand eight hundred and sixty-one. It was in fact only forty-seven millions one hundred and fifty-five thousand four hundred and eight. Taking the average of five years, from 1803 to 1807, inclusive, the amount of native produce exported was forty-three millions two hundred and two thousand seven hundred and fifty-one for each of those years. Estimating what it ought to have been, during the last year, applying the principle suggested to that amount, there should have been exported seventy-seven millions seven hundred and sixty-six thousand seven hundred and fifty-one, instead of forty seven millions one hundred and fifty-five thousand four hundred and eight. If these comparative amounts of the aggregate actual exports, and what they ought to have been, be discouraging, we shall find, on descending into particulars, still less cause of satisfaction. The export of tobacco in 1791, was one hundred and twelve thousand four hundred and twenty-eight hogsheads. That was the year of the largest exportation of that article ; but it is the only instance in which I have selected the maximum of exportation. The amount of what we ought to have exported last year, estimated according to the scale of increase which I have used, is two hundred and sixty-six thousand three hundred and thirty-two hogsheads. The actual export was ninety-nine thousand and nine hogsheads. We exported in 1803, the quantity of one million three hundred and eleven thousand eight

hundred and fifty three barrels of flour; and ought to have exported last year two millions three hundred and sixty-one thousand three hundred and thirty-three barrels. We, in fact, exported only seven hundred and fifty-six thousand seven hundred and two barrels. Of that quantity we sent to South America one hundred and fifty thousand barrels, according to a statement furnished me by the diligence of a friend near me, (Mr. Poinsett,) to whose valuable mass of accurate information, in regard to that interesting quarter of the world, I have had occasion frequently to apply. But that demand is temporary, growing out of the existing state of war. Whenever peace is restored to it, and I now hope that the day is not distant when its independence will be generally acknowledged, there cannot be a doubt that it will supply its own consumption. In all parts of it the soil, either from climate or from elevation, is well adapted to the culture of wheat; and nowhere can better wheat be produced than in some portions of Mexico and Chili. Still the market of South America is one which, on other accounts, deserves the greatest consideration. And I congratulate you, the committee, and the country, on the recent adoption of a more auspicious policy towards it.

We exported in 1803, Indian corn to the amount of two millions seventy-four thousand six hundred and eight bushels. The quantity should have been, in 1823, three millions seven hundred and thirty-four thousand two hundred and eighty-eight bushels. The actual quantity exported, was seven hundred and forty-nine thousand and thirty-four bushels, or about one-fifth of what it should have been, and a little more than one-third of what it was more than twenty years ago. We ought not then to be surprised at the extreme depression of the price of that article, of which I have heard my honorable friend (Mr. Bassett) complain, nor of the distress of the corn-growing districts adjacent to the Chesapeake bay. We exported seventy-seven thousand nine hundred and thirty-four barrels of beef in 1803, and last year but sixty-one thousand four hundred and eighteen, instead of one hundred and forty thousand two hundred and seventy-four barrels. In the same year (1803) we exported ninety-six thousand six hundred and two barrels of pork, and last year fifty-five thousand five hundred and twenty-nine, instead of one hundred and seventy-three thousand eight hundred and eighty-two barrels. Rice has not advanced by any means in the proportion which it ought to have done. All the small articles, such as cheese, butter, candles, &c., too minute

to detail, but important in their aggregate, have also materially diminished. Cotton alone has advanced. But, while the quantity of it is augmented, its actual value is considerably diminished. The total quantity last year exceeded that of the preceding year by nearly thirty millions of pounds. And yet the total value of the year of smaller exportation exceeded that of the last year by upwards of three and a half millions of dollars. If this article, the capacity of our country to produce which was scarcely known in 1790, were subtracted from the mass of our exports, the value of the residue would only be a little upwards of twenty-seven millions during the last year. The distribution of the articles of our exports throughout the United States, cannot fail to fix the attention of the committee. Of the forty-seven millions one hundred and fifty-five thousand four hundred and eight, to which they amounted last year, three articles alone (cotton, rice, and tobacco) composed together twenty-eight millions five hundred and forty-nine thousand one hundred and seventy-seven. Now these articles are chiefly produced to the south. And if we estimate that portion of our population who are actually engaged in their culture, it would probably not exceed two millions. Thus, then, less than one-fifth of the whole population of the United States produced upwards of one-half, nearly two-thirds, of the entire value of the exports of the last year.

Is this foreign market, so incompetent at present, and which, limited as its demands are, operates so unequally upon the productive labor of our country, likely to improve in future? If I am correct in the views which I have presented to the committee, it must become worse and worse. What can improve it? Europe will not abandon her own agriculture to foster ours. We may even anticipate that she will more and more enter into competition with us in the supply of the West India market. That of South America, for articles of subsistence, will probably soon vanish. The *value* of our exports, for the future, may remain at about what it was last year. But if we do not create some new market—if we persevere in the existing pursuits of agriculture, the inevitable consequence must be, to augment greatly the quantity of our produce, and to lessen its value in the foreign market. Can there be a doubt on this point? Take the article of cotton, for example, which is almost the only article that now remunerates labor and capital. A certain description of labor is powerfully attracted towards the cotton-growing country. The cultivation will

be greatly extended, the aggregate amount annually produced will be vastly augmented. The price will fall. The more unfavorable soils will then be gradually abandoned. And I have no doubt that in a few years it will cease to be profitably produced anywhere north of the thirty-fourth degree of latitude. But in the mean time large numbers of cotton-growers will suffer the greatest distress. And while this distress is brought upon our own country, foreign industry will be stimulated by the very cause which occasions our distress. For, by surcharging the markets abroad, the price of the raw material being reduced, the manufacturer will be able to supply cotton fabrics cheaper, and the consumption in his own country and in foreign nations, other than ours, (where the *value* of the import must be limited to the value of the export, which I have supposed to remain the same,) being proportionally extended, there will be, consequently, an increased demand for *his* industry.

Our agricultural is our greatest interest. It ought ever to be predominant. All others should bend to it. And, in considering what is for its advantage, we should contemplate it in all its varieties, of planting, farming, and grazing. Can we do nothing to invigorate it; nothing to correct the errors of the past, and to brighten the still more unpromising prospects which lie before us? We have seen, I think, the causes of the distresses of the country. We have seen, that an exclusive dependance upon the foreign market must lead to still severer distress, to impoverishment, to ruin. We must then change somewhat our course. We must give a new direction to some portion of our industry. We must speedily adopt a genuine American policy, still cherishing the foreign market; let us create also a home market, to give further scope to the consumption of the produce of American industry. Let us counteract the policy of foreigners, and withdraw the support which we now give to their industry, and stimulate that of our own country. It should be a prominent object with wise legislators, to multiply the vocations and extend the business of society, as far as it can be done, by the protection of our interests at home, against the injurious effects of foreign legislation. Suppose we were a nation of fishermen, or of skippers, to the exclusion of every other occupation, and the legislature had the power to introduce the pursuits of agriculture and manufactures, would not our happiness be promoted by an exertion of its authority? All the existing employments of society, the learned professions, commerce, agriculture, are



now overflowing. We stand in each other's way. Hence the want of employment. Hence the eager pursuit after public stations, which I have before glanced at. I have been again and again shocked, during this session, by instances of solicitation for places before the vacancies existed. The pulse of incumbents, who happened to be taken ill, is not marked with more anxiety by the attending physicians, than by those who desire to succeed them, though with very opposite feelings. Our old friend, the faithful sentinel, who has stood so long at our door, and the gallantry of whose patriotism deserves to be noticed, because it was displayed when that virtue was most rare and most wanted, on a memorable occasion in this unfortunate city, became indisposed some weeks ago. The first intelligence which I had of his dangerous illness, was by an application for his unvacated place. I hastened to assure myself of the extent of his danger, and was happy to find that the eagerness of succession outstripped the progress of disease. By creating a new and extensive business, then, we should not only give employment to those who want it, and augment the sum of national wealth, by all that this new business would create, but we should meliorate the condition of those who are now engaged in existing employments. In Europe, particularly in Great Britain, their large standing armies, large navies, large even on their peace arrangement, their established church, afford to their population employments, which, in that respect, the happier constitution of our government does not tolerate but in a very limited degree. The peace establishments of our army and our navy are extremely small, and I hope ever will be. We have no established church, and I trust never shall have. In proportion as the enterprise of our citizens in public employments is circumscribed, should we excite and invigorate it in private pursuits.

The creation of a home market is not only necessary to procure for our agriculture a just reward of its labors, but it is indispensable to obtain a supply of our necessary wants. If we cannot sell, we cannot buy. That portion of our population, (and we have seen that it is not less than four-fifths,) which makes comparatively nothing that foreigners will buy, have nothing to make purchases with from foreigners. It is in vain that we are told of the amount of our exports supplied by the planting interest. They may enable the planting interest to supply all its wants; but they bring no ability to the interests not planting; unless, which cannot be pretended, the planting

interest is an adequate vent for the surplus produce of the labor of all other interests. It is in vain to tantalize us with the great cheapness of foreign fabrics. There must be an ability to purchase, if an article be obtained, whatever may be the price, high or low, at which it is sold. And a cheap article is as much beyond the grasp of him who has no means to buy, as a high one. Even if it were true that the American manufacturer would supply consumption at dearer rates, it is better to have his fabrics than the unattainable foreign fabrics; because it is better to be ill supplied than not supplied at all. A coarse coat, which will communicate warmth and cover nakedness, is better than no coat. The superiority of the home market results, 1st, from its steadiness and comparative certainty at all times; 2d, from the creation of reciprocal interests; 3d, from its greater security; and, lastly, from an ultimate and not distant augmentation of consumption, (and consequently of comfort,) from increased quantity and reduced prices. But this home market, highly desirable as it is, can only be created and cherished by the PROTECTION of our own legislation against the inevitable prostration of our industry, which must ensue from the action of FOREIGN policy and legislation. The effect and the value of this domestic care of our own interests will be obvious from a few facts and considerations. Let us suppose that half a million of persons are now employed abroad in fabricating, for our consumption, those articles, of which, by the operation of this bill, a supply is intended to be provided within ourselves. That half a million of persons are, in effect, subsisted by us; but their actual means of subsistence are drawn from foreign agriculture. If we could transport them to this country, and incorporate them in the mass of our own population, there would instantly arise a demand for an amount of provisions equal to that which would be requisite for their subsistence throughout the whole year. That demand, in the article of flour alone, would not be less than the quantity of about nine hundred thousand barrels, besides a proportionate quantity of beef, and pork, and other articles of subsistence. But nine hundred thousand barrels of flour exceeds the entire quantity exported last year, by nearly one hundred and fifty thousand barrels. What activity would not this give, what cheerfulness would it not communicate, to our now dispirited farming interest! But if, instead of these five hundred thousand artisans emigrating from abroad, we give by this bill employment to an equal number of our own citizens, now engaged in unprofitable agriculture, or idle, from the want of business, the benefi

cial effect upon the productions of our farming labor would be nearly doubled. The quantity would be diminished by a subtraction of the produce from the labor of all those who should be diverted from its pursuits to manufacturing industry, and the value of the residue would be enhanced, both by that diminution, and the creation of the home market to the extent supposed. And the honorable gentleman from Virginia may repress any apprehensions which he entertains, that the plough will be abandoned, and our fields remain unsown. For, under all the modifications of social industry, if you will secure to it a just reward, the greater attractions of agriculture will give to it that proud superiority which it has always maintained. If we suppose no actual abandonment of farming, but, what is most likely, a gradual and imperceptible employment of population in the business of manufacturing, instead of being compelled to resort to agriculture, the salutary effect would be nearly the same. Is any part of our common country likely to be injured by a transfer of the theatre of fabrication, for our own consumption, from Europe to America? All that those parts, if any there be, which will not, or cannot engage in manufactures, should require, is, that their consumption should be well supplied; and if the objects of that consumption are produced in other parts of the Union, that can manufacture, far from having any just cause of complaint, their patriotism will and ought to inculcate a cheerful acquiescence in what essentially contributes, and is indispensably *necessary* to the prosperity of the common family.

The great desideratum in political economy, is the same as in private pursuits; that is, what is the best application of the aggregate industry of a nation, that can be made honestly to produce the largest sum of national wealth? Labor is the source of all wealth; but it is not natural labor only. And the fundamental error of the gentleman from Virginia, and of the school to which he belongs, in deducing, from our sparse population, our unfitness for the introduction of the arts, consists in their not sufficiently weighing the importance of the power of machinery. In former times, when but little comparative use was made of machinery, manual labor, and the price of wages, were circumstances of the greatest consideration. But it is far otherwise in these latter times. Such are the improvements and the perfection of machinery, that, in analyzing the compound value of many fabrics, the element of natural labor is so inconsiderable as almost to escape detection. This truth is demonstrated by many facts. For-

merly, Asia, in consequence of the density of her population, and the consequent lowness of wages, laid Europe under tribute for many of her fabrics. Now Europe re-acts upon Asia, and Great Britain, in particular, throws back upon her countless millions of people, the rich treasures produced by artificial labor, to a vast amount, infinitely cheaper than they can be manufactured by the natural exertions of that portion of the globe. But Britain is herself the most striking illustration of the immense power of machinery. Upon what other principle can you account for the enormous wealth which she has accumulated, and which she annually produces? A statistical writer of that country, several years ago, estimated the total amount of the artificial or machine labor of the nation, to be equal to that of one hundred millions of able-bodied laborers. Subsequent estimates of her artificial labor, at the present day, carry it to the enormous height of two hundred millions. But the population of the three kingdoms is twenty-one millions five hundred thousand. Supposing that, to furnish able-bodied labor to the amount of four millions, the natural labor will be but two per centum of the artificial labor. In the production of wealth she operates, therefore, by a power (including the whole population) of two hundred and twenty-one millions five hundred thousand; or, in other words, by a power eleven times greater than the total of her natural power. If we suppose the machine labor of the United States to be equal to that of ten millions of able-bodied men, the United States will operate, in the creation of wealth, by a power (including all their population,) of twenty millions. In the creation of wealth, therefore, the power of Great Britain, compared to that of the United States, is as eleven to one. That these views are not imaginary, will be, I think, evinced, by contrasting the wealth, the revenue, the power of the two countries. Upon what other hypothesis can we explain those almost incredible exertions which Britain made during the late wars of Europe? Look at her immense subsidies! Behold her standing, unaided and alone, and breasting the storm of Napoleon's colossal power, when all continental Europe owned and yielded to its irresistible sway; and finally, contemplate her vigorous prosecution of the war, with and without allies, to its splendid termination, on the ever memorable field of Waterloo! The British works which the gentleman from Virginia has quoted, portray a state of the most wonderful prosperity, in regard to wealth and resources, that ever was before contemplated. Let us look a little into the semi-official pamphlet, written with great force,

clearness, and ability, and the valuable work of Lowe, to both of which that gentleman has referred. The revenue of the united kingdom amounted, during the latter years of the war, to seventy millions of pounds sterling; and one year it rose to the astonishing height of ninety millions sterling, equal to four hundred millions of dollars. This was actual revenue, made up of real contributions from the purses of the people. After the close of the war, ministers slowly and reluctantly reduced the military and naval establishments, and accommodated them to a state of peace. The pride of power, everywhere the same, always unwillingly surrenders any of those circumstances which display its pomp and exhibit its greatness. Contemporaneous with this reduction, Britain was enabled to lighten some of the heaviest burdens of taxation, and particularly that most onerous of all, the *income tax*. In this lowered state, the revenue of peace, gradually rising from the momentary depression incident to a transition from war, attained, in 1822, the vast amount of fifty-five millions sterling, upwards of two hundred and forty millions of dollars, and more than eleven times that of the United States for the same year; thus indicating the difference, which I have suggested, in the respective productive powers of the two countries. The excise alone, (collected under twenty-five different heads) amounted to twenty-eight millions, more than one-half of the total revenue of the kingdom. This great revenue allows great Britain to constitute an efficient sinking fund of five millions sterling, being an excess of actual income beyond expenditure, and amounting to more than the entire revenue of the United States.

If we look at the commerce of England, we shall perceive that its prosperous condition no less denotes the immensity of her riches. The average of three years' exports, ending in 1789, was between thirteen and fourteen millions. The average for the same term, ending in 1822, was forty millions sterling. The average of the imports for three years, ending in 1789, was seventeen millions. The average for the same term, ending in 1822, was thirty-six millions, showing a favorable balance of four millions. Thus, in a period not longer than that which has elapsed since the establishment of our constitution, have the exports of that kingdom been tripled; and this has mainly been the effect of the power of machinery. The total amount of the commerce of Great Britain is greater since the peace, by one-fourth, than it was during the war. The average of her tonnage,



during the most flourishing period of the war, was two millions four hundred thousand tons. Its average during the three years, 1819, 1820, and 1821, was two millions six hundred thousand; exhibiting an increase of two hundred thousand tons. If we glance at some of the more prominent articles of her manufactures, we shall be assisted in comprehending the true nature of the sources of her riches. The amount of cotton fabrics exported, in the most prosperous year of the war, was eighteen millions sterling. In the year 1820, it was sixteen millions six hundred thousand; in 1821, twenty millions five hundred thousand; in 1822, twenty-one millions six hundred and thirty-nine thousand pounds sterling; presenting the astonishing increase in two years of upwards of five millions. The total amount of imports in Great Britain, from all foreign parts, of the article of cotton wool, is five millions sterling. After supplying most abundantly the consumption of cotton fabrics within the country, (and a people better fed, and clad, and housed, are not to be found under the sun than the British nation,) by means of her industry, she gives to this cotton wool a new value, which enables her to sell to foreign nations to the amount of twenty-one millions six hundred and thirty-nine thousand pounds, making a clear profit of upwards of sixteen millions five hundred thousand pounds sterling! In 1821, the value of the export of woollen manufactures was four millions three hundred thousand pounds. In 1822, it was five millions five hundred thousand pounds. The success of her restrictive policy is strikingly illustrated in the article of silk. In the manufacture of that article she labors under great disadvantages, besides that of not producing the raw material. She has subdued them all, and the increase of the manufacture has been most rapid. Although she is still unable to maintain, in foreign countries, a successful competition with the silks of France, of India, and of Italy, and therefore exports but little, she gives to the two millions of the raw material which she imports, in various forms, a value of ten millions, which chiefly enter into British consumption. Let us suppose that she was dependant upon foreign nations for these ten millions; what an injurious effect would it not have upon her commercial relations with them! The average of the exports of British manufactures, during the peace, exceeds the average of the most productive years of the war. The amount of her wealth annually produced, is three hundred and fifty millions sterling; bearing a large proportion to all of her pre-existing wealth. The agricultural portion of it is said, by the gentleman from

Virginia, to be greater than that created by any other branch of her industry. But that flows mainly from a policy similar to that proposed by this bill. One-third only of her population is engaged in agriculture; the other two-thirds furnishing a market for the produce of that third. Withdraw this market, and what becomes of her agriculture? The power and the wealth of Great Britain cannot be more strikingly illustrated than by a comparison of her population and revenue with those of other countries and with our own.

Countries.	Population.	Taxes and public burdens.	Taxation per capital.
Russia in Europe,.....	37,000,000	£18,000,000	£0 9 9
France, including Corsica,.....	30,700,000	37,000,000	1 4 4
Great Britain, exclusive of Ireland, (the taxes computed according to the value of money on the European Continent,).....	14,500,000	40,000,000	2 15 0
Great Britain and Ireland collectively,.....	21,500,000	44,000,000	2 0 0
England alone,.....	11,600,000	36,000,000	3 2 0
Spain,.....	11,000,000	6,000,000	0 11 0
Ireland,.....	7,000,000	4,000,000	0 11 0
The United States of America,.....	10,000,000	4,300,000	0 9 0

From this exhibit we must remark, that the wealth of Great Britain (and consequently her power) is greater than that of any of the other nations with which it is compared. The amount of the contributions which she draws from the pockets of her subjects, is not referred to for imitation, but as indicative of their wealth. The burden of taxation is always relative to the ability of the subjects of it. A poor nation can pay but little. And the heavier taxes of British subjects, for example, in consequence of their greater wealth, may be easier borne than the much lighter taxes of Spanish subjects, in consequence of their extreme poverty. The object of wise governments should be, by sound legislation, so to protect the industry of their own citizens against the policy of foreign powers, as to give to it the most expansive force in the production of wealth. Great Britain has ever acted, and still acts, on this policy. She has pushed her protection of British interest further than any other nation has fostered its industry. The result is, greater wealth among her subjects, and consequently greater ability to pay their public burdens. If their taxation is estimated by their *natural* labor alone, nominally it is greater than the taxation of the subjects of any other power. But, if on a scale of their natural and artificial labor, compounded, it is less than the taxation of any other people. Estimating it on that scale, and assuming the aggregate of the natural and artificial labor of the united kingdom to be what I have already stated, two hundred

and twenty-one millions five hundred thousand, the actual taxes paid by a British subject are only about three and seven pence sterling. Estimating our own taxes, on a similar scale,—that is, supposing both descriptions of labor to be equal to that of twenty millions of able-bodied persons—the amount of tax paid by each soul in the United States is four shillings and six pence sterling.

The committee will observe, from that table, that the measure of the wealth of a nation is indicated by the measure of its protection of its industry; and that the measure of the poverty of a nation is marked by that of the degree in which it neglects and abandons the care of its own industry, leaving it exposed to the action of foreign powers. Great Britain protects most her industry, and the wealth of Great Britain is consequently the greatest. France is next in the degree of protection, and France is next in the order of wealth. Spain most neglects the duty of protecting the industry of her subjects, and Spain is one of the poorest of European nations. Unfortunate Ireland, disinherited, or rendered, in her industry, subservient to England, is exactly in the same state of poverty with Spain, measured by the rule of taxation. And the United States are still poorer than either.

The views of British prosperity, which I have endeavored to present, show that her protecting policy is adapted alike to a state of war and of peace. Self-poised, resting upon her own internal resources, possessing a home market, carefully cherished and guarded, she is ever prepared for any emergency. We have seen her coming out of a war of incalculable exertion, and of great duration, with her power unbroken, her means undiminished. We have seen that almost every revolving year of peace has brought along with it an increase of her manufactures, of her commerce, and, consequently, of her navigation. We have seen that, constructing her prosperity upon the solid foundation of her own protecting policy, it is unaffected by the vicissitudes of other states. What is our own condition? Depending upon the state of foreign powers—confiding exclusively in a foreign, to the culpable neglect of a domestic policy—our interests are affected by all their movements. Their wars, their misfortunes, are the only source of our prosperity. In their peace, and our peace, we behold our condition the reverse of that of Great Britain—and all our interests stationary or declining. Peace brings to us none of

the blessings of peace. Our system is anomalous; ill-suited to general tranquillity, and to a state of war or peace, on the part of our own country. It can succeed only in the rare occurrence of a general state of war throughout Europe. I am no eulogist of England. I am far from recommending her systems of taxation. I have adverted to them only as manifesting her extraordinary ability. The political and foreign interest of that nation may have been, as I believe them to have been, often badly managed. Had she abstained from the wars into which she has been plunged by her ambition, or the mistaken policy of her ministers, the prosperity of England would, unquestionably, have been much greater. But it may happen that the public liberty, and the foreign relations of a nation, have been badly managed, and yet that its political economy has been wisely managed. The alacrity or sullenness with which a people pay taxes, depends upon their wealth or poverty. If the system of their rules leads to their impoverishment, they can contribute but little to the necessities of the state; if to their wealth, they cheerfully and promptly pay the burdens imposed on them. Enormous as British taxation appears to be, in comparison with that of other nations, but really lighter as it in fact is, when we consider its great wealth, and its powers of production, that vast amount is collected with the most astonishing regularity.

[Here Mr. Clay read certain passages from Holt, showing that, in 1822, there was not one solitary prosecution arising out of the collection of the assessed taxes, which are there considered among the most burdensome, and that the prosecutions for the violations of the excise laws, in all their numerous branches, were sensibly and progressively decreasing.]

Having called the attention of the committee to the present adverse state of our country, and endeavored to point out the causes which have led to it; having shown that similar causes, wherever they exist in other countries, lead to the same adversity in their condition; and having shown that, wherever we find opposite causes prevailing, a high and animating state of national prosperity exists, the committee will agree with me in thinking that it is the solemn duty of government to apply a remedy to the evils which afflict our country, if it can apply one. Is there no remedy within the reach of the government? Are we doomed to behold our industry languish and decay, yet more and more? But there is a remedy, and that remedy consists in modifying our foreign policy, and in adopting a genuine

**Admission System.** We must naturalize the arts in our country; and we must naturalize them by the only means which the wisdom of nations has yet discovered to be effectual; by adequate protection against the otherwise overwhelming influence of foreigners. This is only to be accomplished by the establishment of a tariff, to the consideration of which I am now brought.

And what is this tariff? It seems to have been regarded as a sort of monster, huge and deformed—a wild beast, endowed with tremendous powers of destruction, about to be let loose among our people—if not to devour them, at least to consume their substance. But let us calm our passions, and deliberately survey this alarming, this terrific being. The sole object of the tariff is to tax the produce of foreign industry, with the view of promoting American industry. The tax is exclusively levelled at foreign industry. That is the avowed and the direct purpose of the tariff. If it subjects any part of American industry to burdens, that is an effect not intended, but is altogether incidental, and perfectly voluntary.

It has been treated as an imposition of burdens upon one part of the community by design, for the benefit of another; as if, in fact, money were taken from the pockets of one portion of the people and put into the pockets of another. But is this a fair representation of it? No man pays the duty assessed on the foreign article by compulsion, but voluntarily; and this voluntary duty, if paid, goes into the common exchequer, for the common benefit of all. Consumption has four objects of choice. 1. It may abstain from the use of the foreign article, and thus avoid the payment of the tax. 2. It may employ the rival American fabric. 3. It may engage in the business of manufacturing, which this bill is designed to foster. 4. Or it may supply itself from the household manufactures.

But it is said by the honorable gentleman from Virginia, that the South, owing to the character of a certain portion of its population, cannot engage in the business of manufacturing. Now I do not agree in that opinion, to the extent in which it is asserted. The circumstance alluded to may disqualify the South from engaging in every branch of manufacture as largely as other quarters of the Union, but to some branches of it that part of our population is well adapted. It indisputably affords great facility in the household or domestic line.



But if the gentleman's premises were true, could his conclusion be admitted? According to him, a certain part of our population, happily much the smallest, is peculiarly situated. The circumstance of its degradation unfits it for the manufacturing arts. The well-being of the other, and the larger part of our population, requires the introduction of those arts. What is to be done in this conflict? The gentleman would have us abstain from adopting a policy called for by the interest of the greater and freer part of our population. But is that reasonable? Can it be expected that the interests of the greater part should be made to bend to the condition of the servile part of our population? That, in effect, would be to make us the slaves of slaves. I went with great pleasure along with my southern friends, and I am ready again to unite with them in protesting against the exercise of any legislative power on the part of Congress over that delicate subject, because it was my solemn conviction that Congress was interdicted, or at least not authorized by the constitution, to exercise any such legislative power. And I am sure that the patriotism of the South may be exclusively relied upon to reject a policy which should be dictated by considerations altogether connected with that degraded class, to the prejudice of the residue of our population. But does not a perseverance in the foreign policy, as it now exists in fact, make all parts of the Union, not planting, tributary to the planting parts? What is the argument? It is, that we must continue freely to receive the produce of foreign industry, without regard to the protection of American industry, that a market may be retained for the sale abroad of the produce of the planting portion of the country; and that, if we lessen the consumption in all parts of America, those which are not planting, as well as the planting sections, of foreign manufactures, we diminish to that extent the foreign market for the planting produce. The existing state of things, indeed, presents a sort of tacit compact between the cotton grower and the British manufacturer, the stipulations of which are, on the part of the cotton grower, that the whole of the United States, the other portions as well as the cotton growing, shall remain open and unrestricted in the consumption of British manufactures; and on the part of the British manufacturer, that, in consideration thereof, he will continue to purchase the cotton of the South. Thus, then, we perceive that the proposed measure, instead of sacrificing the South to the other parts of the Union, seeks only to preserve them from being absolutely sacrificed under the operation of the tacit compact which I have de-

scribed. Supposing the South to be actually incompetent, or disinclined to embark at all in the business of manufacturing, is not its interest, nevertheless, likely to be promoted by creating a new and an American source of supply for its consumption? Now foreign powers, and Great Britain principally, have the monopoly of the supply of southern consumption. If this bill should pass, an American competitor, in the supply of the South, would be raised up, and ultimately, I cannot doubt, that it will be supplied cheaper and better. I have before had occasion to state, and will now again mention, the beneficial effects of American competition with Europe in furnishing a supply of the article of cotton bagging. After the late war, the influx of the Scottish manufacture prostrated the American establishments. The consequence was, that the Scotch possessed the monopoly of the supply, and the price of it rose, and attained, the year before last, a height which amounted to more than an equivalent for ten years' protection to the American manufacture. This circumstance tempted American industry again to engage in the business, and several valuable manufactories have been established in Kentucky. They have reduced the price of the fabric very considerably; but without the protection of government, they may again be prostrated; and then the Scottish manufacturer engrossing the supply of our consumption, the price will probably again rise. It has been tauntingly asked if Kentucky cannot maintain herself in a competition with the two Scottish towns of Inverness and Dundee? But is that a fair statement of the case? Those two towns are cherished and sustained by the whole protecting policy of the British empire, whilst Kentucky cannot, and the general government will not, extend a like protection to the few Kentucky villages in which the article is made.

If the cotton-growing consumption could be constitutionally exempted from the operation of this bill, it might be fair to exempt it upon the condition that foreign manufactures, the proceeds of the sale of cotton abroad, should not enter at all into the consumption of the other parts of the United States. But such an arrangement as that, if it could be made, would probably be objected to by the cotton-growing country itself.

3. The second objection to the proposed bill is, that it will diminish the amount of our exports. It can have no effect upon our exports, except those which are sent to Europe. Except tobacco and rice,

we send there nothing but the raw materials. The argument is, that Europe will not buy of us if we do not buy of her. The first objection to it is, that it calls upon us to look to the question, and to take care of European ability in legislating for American interests. Now if, in legislating for their interests, they would consider and provide for our ability, the principle of reciprocity would enjoin us so to regulate our intercourse with them, as to leave their ability unimpaired. But I have shown that, in the adoption of their own policy, their inquiry is strictly limited to a consideration of their peculiar interests, without any regard to that of ours. The next remark I would make is, that the bill only operates upon *certain* articles of European industry, which it is supposed our interest requires us to manufacture within ourselves; and although its effect will be to diminish the amount of our imports of *those* articles, it leaves them free to supply us with any other produce of their industry. And since the circle of human comforts, refinements, and luxuries, is of great extent, Europe will still find herself able to purchase from us what she has hitherto done, and to discharge the debt in some of those objects. If there be any diminution in our exports to Europe, it will probably be in the article of cotton to Great Britain. I have stated that Britain buys cotton wool to the amount of about five millions sterling, and sells to foreign states to the amount of upwards of twenty-one millions and a half. Of this sum, we take a little upwards of a million and a half. The residue of about twenty millions she must sell to other foreign powers than to the United States. Now their market will continue open to her as much after the passage of this bill as before. She will therefore require from us the raw material to supply their consumption. But it is said she may refuse to purchase it of us, and seek a supply elsewhere. There can be but little doubt that she now resorts to us, because we can supply her cheaper and better than any other country. And it would be unreasonable to suppose that she would cease, from any pique towards us, to pursue her own interest. Suppose she was to decline purchasing from us: the consequence would be, that she would lose the market for the twenty millions sterling, which she now sells other foreign powers, or enter it under a disadvantageous competition with us, or with other nations, who should obtain their supplies of the raw material from us. If there should be any diminution, therefore, in the exportation of cotton, it would only be in the proportion of about one and a half to twenty; that is, a little upwards of five per centum; the loss of a market for

which abroad would be fully compensated by the market for the article created at home. Lastly, I would observe, that the new application of our industry, producing new objects of exportation, and they possessing much greater value than in the raw state, we should be in the end amply indemnified by their exportation. Already the item in our foreign exports of manufactures is considerable; and we know that our cotton fabrics have been recently exported in a large amount to South America, where they maintain a successful competition with those of any other country.

3. The third objection to the tariff is, that it will diminish our navigation. This great interest deserves every encouragement consistent with the paramount interest of agriculture. In the order of nature it is secondary to both agriculture and manufactures. Its business is the transportation of the productions of those two superior branches of industry. It cannot therefore be expected that they shall be moulded or sacrificed to suit its purposes; but, on the contrary, navigation must accommodate itself to the actual state of agriculture and manufactures. If, as I believe, we have nearly reached the maximum in value of our exports of raw produce to Europe, the effect hereafter will be, as it respects that branch of our trade, if we persevere in the foreign system, to retain our navigation at the point which it has now reached. By reducing, indeed, as will probably take place, the price of our raw materials, a further quantity of them could be exported, and, of course, additional employment might in that way be given to our tonnage; but that would be at the expense of the agricultural interest. If I am right in supposing that no effect will be produced by this measure upon any other branch of our export trade but that to Europe—that with regard to that there will be no sensible diminution of our exports, and that the new direction given to a portion of our industry will produce other objects of exportation, the probability is, that our foreign tonnage will be even increased under the operation of this bill. But, if I am mistaken in these views, and it should experience any reduction, the increase in our coasting tonnage, resulting from the greater activity of domestic exchanges, will more than compensate the injury. Although our navigation partakes in the general distress of the country, it is less depressed than any other of our great interests. The foreign tonnage has been gradually though slowly increasing since 1813. And our coasting tonnage, since 1816, has increased upwards of one hundred thousand tons.

- 4. It is next contended that the effect of the measure will be to diminish our foreign commerce. The objection assumes, what I have endeavored to controvert, that there will be a reduction in the value of our exports. Commerce is an exchange of commodities. Whatever will tend to augment the wealth of a nation must increase its capacity to make these exchanges. By new productions, or creating new values in the fabricated forms which shall be given to old objects of our industry, we shall give to commerce a fresh spring, a new aliment. The foreign commerce of the country, from causes, some of which I have endeavored to point out, has been extended as far as it can be. And I think there can be but little doubt that the balance of trade is, and for some time past has been, against us. I was surprised to hear the learned gentleman from Massachusetts (Mr. Webster) rejecting, as a detected and exploded fallacy, the idea of a balance of trade. I have not time nor inclination now to discuss that topic. But I will observe, that all nations act upon the supposition of the reality of its existence, and seek to avoid a trade, the balance of which is unfavorable, and to foster that which presents a favorable balance. However the account be made up, whatever may be the items of a trade, commodities, fishing industry, marine labor, the carrying trade, all of which I admit should be comprehended, there can be no doubt, I think, that the totality of the exchanges of all descriptions made by one nation with another, or against the totality of the exchanges of all other nations together, may be such as to present the state of an unfavorable balance with the one or with all. It is true that, in the long run, the measures of these exchanges, that is, the totality in value of what is given and of what is received, must be equal to each other. But great distress may be felt long before the counterpoise can be effected. In the mean time, there will be an export of the precious metals, to the deep injury of internal trade, an unfavorable state of exchange, an export of public securities, a resort to credit, debt, mortgages. Most of, if not all, these circumstances, are believed now to be indicated by our country, in its foreign commercial relations. What have we received, for example, for the public stocks sent to England? Goods. But those stocks are our bond, which must be paid. Although the solidity of the credit of the English public securities is not surpassed by that of our own, strong as it justly is, when have we seen English stocks sold in our market, and regularly quoted in the prices current as American stocks are in England? An unfavorable balance with one nation, may be made up by



a favorable balance with other nations ; but the fact of the existence of that unfavorable balance is strong presumptive evidence against the trade. Commerce will regulate itself! Yes, and the extravagance of a spendthrift heir, who squanders the rich patrimony which has descended to him, will regulate itself ultimately. But it will be a regulation which will exhibit him in the end safely confined within the walls of a jail. Commerce will regulate itself! But is it not the duty of wise governments to watch its course, and, beforehand, to provide against even distant evils ; by prudent legislation stimulating the industry of their own people, and checking the policy of foreign powers as it operates on them? The supply, then, of the subjects of foreign commerce, no less than the supply of consumption at home, requires of us to give a portion of our labor such a direction as will enable us to produce them. That is the object of the measure under consideration, and I cannot doubt that, if adopted, it will accomplish its object.

5. The fifth objection to the tariff is, that it will diminish the public revenue, disable us from paying the public debt, and finally compel a resort to a system of excise and internal taxation. This objection is founded upon the supposition that the reduction in the importation of the subjects, on which the increased duties are to operate, will be such as to produce the alleged effect. All this is matter of mere conjecture, and can only be determined by experiment. I have very little doubt, with my colleague, (Mr. Trimble,) that the revenue will be increased considerably, for some years at least, under the operation of this bill. The diminution in the quantity imported, will be compensated by the augmentation of the duty. In reference to the article of molasses, for example, if the import of it should be reduced fifty per centum, the amount of duty collected would be the same as it now is. But it will not, in all probability, be reduced by any thing like that proportion. And then there are some other articles which will continue to be introduced in as large quantities as ever, notwithstanding the increase of duty, the object in reference to them being revenue, and not the encouragement of domestic manufactures. Another cause will render the revenue of this year, in particular, much more productive than it otherwise would have been ; and that is, that large quantities of goods have been introduced into the country, in anticipation of the adoption of this measure. The eagle does not dart a keener gaze upon his intended prey, than that

with which the British manufacturer and merchant watches the foreign market, and the course even of our elections as well as our legislation. The passage of this bill has been expected; and all our information is, that the importations, during this spring, have been immense. But, further, the measure of our importations is that of our exportations. If I am right in supposing that, in future, the amount of these, in the old or new forms, of the produce of our labor will not be diminished, but probably increased, then the amount of our importations, and, consequently, of our revenue, will not be reduced, but may be extended. If these ideas be correct, there will be no inability on the part of government to extinguish the public debt. The payment of that debt, and the consequent liberation of the public resources from the charge of it, is extremely desirable. No one is more anxious than I am to see that important object accomplished. But I entirely concur with the gentleman from Virginia (Mr. Barbour) in thinking that no material sacrifice of any of the great interests of the nation ought to be made to effectuate it. Such is the elastic and accumulating nature of our public resources, from the silent augmentation of our population, that if, in any given state of the public revenue, we throw ourselves upon a couch and go to sleep, we may, after a short time, awake with an ability abundantly increased to redeem any reasonable amount of public debt with which we may happen to be burdened. The public debt of the United States, though nominally larger now than it was in the year 1791, bears really no sort of discouraging comparison to its amount at that time, whatever standard we may choose to adopt to institute the comparison. It was in 1791 about seventy-five millions of dollars. It is now about ninety. Then we had a population of about four millions. Now we have upwards of ten millions. Then we had a revenue short of five millions of dollars. Now our revenue exceeds twenty. If we select population as the standard, our present population is one hundred and fifty per centum greater than it was in 1791; if revenue, that is four times more now than at the former period; whilst the public debt has increased only in a ratio of twenty per centum. A public debt of three hundred millions of dollars at the present day, considering our actual ability, compounded both of the increase of population and of revenue, would not be more onerous now than the debt of seventy-five millions of dollars was, at the epoch of 1791, in reference to the same circumstances. If I am right in supposing that, under the operation of the proposed measure, there will not be any diminution, but a

probable increase of the public revenue, there will be no difficulty in defraying the current expenses of government, and paying the principal as well as the interest of the public debt, as it becomes due. Let us, for a moment, however, indulge the improbable supposition of the opponents of the tariff, that there will be a reduction of the revenue to the extent of the most extravagant calculation which has been made, that is to say, to the extent of five millions. That sum deducted, we shall still have remaining a revenue of about fifteen millions. The treasury estimates of the current service of the years 1822, 1823, and 1824, exceed, each year, nine millions. The lapse of revolutionary pensions, and judicious retrenchments which might be made, without detriment to any of the essential establishments of the country, would probably reduce them below nine millions. Let us assume that sum, to which add about five millions and a half for the interest of the public debt, and the wants of government would require a revenue of fourteen and a half millions, leaving a surplus of revenue of half a million beyond the public expenditure. Thus, by a postponement of the payment of the principal of the public debt, in which the public creditors would gladly acquiesce, and confiding, for the means of redeeming it in the necessary increase of our revenue from the natural augmentation of our population and consumption, we may safely adopt the proposed measure, even if it should be attended (which is confidently denied) with the supposed diminution of revenue. We shall not then have occasion to vary the existing system of taxation; we shall be under no necessity to resort either to direct taxes or to an excise. But suppose the alternative were really forced upon us of continuing the foreign system, with its inevitable impoverishment of the country, but with the advantage of the present mode of collecting the taxes, or of adopting the American System, with its increase of the national wealth, but with the disadvantage of an excise, could any one hesitate between them? Customs and an excise agree in the essential particulars, that they are both taxes upon consumption, and both are voluntary. They differ only in the mode of collection. The office for the collection of one is located on the frontier, and that for the other within the interior. I believe it was Mr. Jefferson, who, in reply to the boast of a citizen of New York of the amount of the public revenue paid by that city, asked who would pay it if the collector's office were removed to Paulus Hook on the New Jersey shore? National wealth is the source of all taxation. And, my word for it, the people are too intelligent to be deceived by

nick names, and not to give a decided preference to that system which is based upon their wealth and prosperity, rather than to that which is founded upon their impoverishment and ruin.

6. But, according to the opponents of the domestic policy, the proposed system will force capital and labor into new and reluctant employments ; we are not prepared, in consequence of the high price of wages, for the successful establishment of manufactures, and we must fail in the experiment. We have seen that the existing occupations of our society, those of agriculture, commerce, navigation, and the learned professions, are overflowing with competitors, and that the want of employment is severely felt. Now what does this bill propose ? To open a new and extensive field of business, in which all who choose may enter. There is no compulsion upon any one to engage in it. An option only is given to industry, to continue in the present unprofitable pursuits, or to embark in a new and promising one. The effect will be to lessen the competition in the old branches of business, and to multiply our resources for increasing our comforts, and augmenting the national wealth. The alleged fact, of the high price of wages, is not admitted. The truth is, that no class of society suffers more, in the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able-bodied men vary from five to eight dollars per month ; and such has been the want of employment, in some parts of the Union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different. I agree with the honorable gentleman from Virginia, that high wages are a proof of national prosperity ; we differ only in the means by which that desirable end shall be attained. But, if the fact were true, that the wages of labor are high, I deny the correctness of the argument founded upon it. The argument assumes, that natural labor is the principal element in the business of manufacture. That was the ancient theory. But the valuable inventions and vast improvements in machinery, which have been made within a few past years, have produced a new era in the arts. The effect of this change, in the powers of production, may be estimated, from what I have already stated in relation to England, and to the triumphs of European artificial labor over the natural labor of Asia. In considering the fitness

of a nation for the establishment of manufactures, we must no longer limit our views to the state of its population, and the price of wages. All circumstances must be regarded, of which that is, perhaps, the least important. Capital, ingenuity in the construction, and adroitness in the use of machinery, and the possession of the raw materials, are those which deserve the greatest consideration. All these circumstances (except that of capital, of which there is no deficiency) exist in our country in an eminent degree, and more than counterbalance the disadvantage, if it really existed, of the lower wages of labor in Great Britain. The dependance upon foreign nations for the raw material of any great manufacture, has been ever considered as a discouraging fact. The state of our population is peculiarly favorable to the most extensive introduction of machinery. We have no prejudices to combat, no persons to drive out of employment. The pamphlet, to which we have had occasion so often to refer, in enumerating the causes which have brought in England their manufactures to such a state of perfection, and which now enable them, in the opinion of the writer, to defy all competition, does not specify, as one of them, low wages. It assigns three—1st, capital; 2d, extent and costliness of machinery; and 3d, steady and persevering industry. Notwithstanding the concurrence of so many favorable causes, in our country, for the introduction of the arts, we are earnestly dissuaded from making the experiment, and our ultimate failure is confidently predicted. Why should we fail? Nations, like men, fail in nothing which they boldly attempt, when sustained by virtuous purpose and firm resolution. I am not willing to admit this depreciation of American skill and enterprise. I am not willing to strike before an effort is made. All our past history exhorts us to proceed, and inspires us with animating hopes of success. Past predictions of our incapacity have failed, and present predictions will not be realized. At the commencement of this government, we were told that the attempt would be idle to construct a marine adequate to the commerce of the country, or even to the business of its coasting trade. The founders of our government did not listen to these discouraging counsels; and behold the fruits of their just comprehension of our resources. Our restrictive policy was denounced, and it was foretold that it would utterly disappoint all our expectations. But our restrictive policy has been eminently successful; and the share which our navigation now enjoys in the trade with France, and with the British West India Islands, attests its victory. What were not the



disheartening predictions of the opponents of the late war? Defeat, discomfiture; and disgrace, were to be the certain, but not the worst effect of it. Here, again, did prophecy prove false; and the energies of our country, and the valor and the patriotism of our people, carried us gloriously through the war. We are now, and ever will be, essentially an agricultural people. Without a material change in the fixed habits of the country, the friends of this measure desire to draw to it, as a powerful auxiliary to its industry, the manufacturing arts. The difference between a nation with, and without the arts, may be conceived, by the difference between a keel-boat and a steamboat, combating the rapid torrent of the Mississippi. How slow does the former ascend, hugging the sinuosities of the shore, pushed on by her hardy and exposed crew, now throwing themselves in vigorous concert on their oars, and then seizing the pendent boughs of overhanging trees: she seems hardly to move; and her scanty cargo is scarcely worth the transportation! With what ease is she not passed by the steamboat, laden with the riches of all quarters of the world, with a crew of gay, cheerful, and protected passengers, now dashing into the midst of the current, or gliding through the eddies near the shore! Nature herself seems to survey, with astonishment, the passing wonder, and, in silent submission, reluctantly to own the magnificent triumphs, in her own vast dominion, of Fulton's immortal genius!

7. But it is said that, wherever there is a concurrence of favorable circumstances, manufactures will arise of themselves, without protection; and that we should not disturb the natural progress of industry, but leave things to themselves. If all nations would modify their policy on this axiom, perhaps it would be better for the common good of the whole. Even then, in consequence of natural advantages and a greater advance in civilization and in the arts, some nations would enjoy a state of much higher prosperity than others. But there is no universal legislation. The globe is divided into different communities, each seeking to appropriate to itself all the advantages it can, without reference to the prosperity of others. Whether this is right or not, it has always been, and ever will be the case. Perhaps the care of the interests of one people is sufficient for all the wisdom of one legislature; and that it is, among nations as among individuals, that the happiness of the whole is best secured by each attending to its own peculiar interests. The proposition to be maintained by our adversaries, is, that manufactures, without pre-

tection, will, in due time, spring up in our country, and sustain themselves, in a competition with foreign fabrics, however advanced the arts, and whatever the degree of protection may be in foreign countries. Now I contend that this proposition is refuted by all experience, ancient and modern, and in every country. If I am asked why unprotected industry should not succeed in a struggle with protected industry, I answer, the FACT has ever been so, and that is sufficient; I reply, that UNIFORM EXPERIENCE evinces that it cannot succeed in such an unequal contest, and that is sufficient. If we speculate on the causes of this universal truth, we may differ about them. Still, the indisputable fact remains. And we should be as unwise in not availing ourselves of the guide which it furnishes, as a man would be who should refuse to bask in the rays of the sun, because he could not agree with Judge Woodward as to the nature of the substance of that planet, to which we are indebted for heat and light. If I were to attempt to particularize the causes which prevent the success of the manufacturing arts, without protection, I should say, that they are—1st, the obduracy of fixed habits. No nation, no individual, will easily change an established course of business, even if it be unprofitable; and least of all is an agricultural people prone to innovation. With what reluctance do they not adopt improvements in the instruments of husbandry, or in modes of cultivation! If the farmer makes a good crop, and sells it badly, or makes a short crop, buoyed up by hope he perseveres, and trusts that a favorable change of the market, or of the seasons, will enable him, in the succeeding year, to repair the misfortunes of the past. 2d, the uncertainty, fluctuation, and unsteadiness of the home market, when liable to an unrestricted influx of fabrics from all foreign nations; and 3d, the superior advance of skill, and amount of capital, which foreign nations have obtained, by the protection of their own industry. From the latter, or from other causes, the unprotected manufactures of a country are exposed to the danger of being crushed in their infancy, either by the design or from the necessities of foreign manufacturers. Gentlemen are incredulous as to the attempts of foreign merchants and manufacturers to accomplish the destruction of ours. Why should they not make such attempts? If the Scottish manufacturer, by surcharging our market, in one year, with the article of cotton bagging, for example, should so reduce the price as to discourage and put down the home manufacture, he would secure to himself the monopoly of the supply. And now, having the exclusive possession of the

market, perhaps for a long term of years, he might be more than indemnified for his first loss, in the subsequent rise in the price of the article. What have we not seen under our own eyes! The competition for the transportation of the mail, between this place and Baltimore, so excited, that, to obtain it, an individual offered, at great loss, to carry it a whole year for one dollar! His calculation, no doubt, was that, by driving his competitor off the road, and securing to himself the carriage of the mail, he would be afterwards able to repair his original loss by new contracts with the department. But the necessities of foreign manufacturers, without imputing to them any sinister design, may oblige them to throw into our markets the fabrics which have accumulated on their hands, in consequence of obstruction in the ordinary vents, or from over-calculation; and the forced sales, at losing prices, may prostrate our establishments. From this view of the subject, it follows, that, if we would place the industry of our country upon a solid and unshakable foundation, we must adopt the protecting policy, which has everywhere succeeded, and reject that which would abandon it, which has everywhere failed.

8. But if the policy of protection be wise, the gentleman from Virginia (Mr. Barbour) has made some ingenious calculations to prove that the measure of protection, already extended, has been sufficiently great. With some few exceptions, the existing duties, of which he has made an estimate, were laid with the object of revenue, and without reference to that of encouragement to our domestic industry; and although it is admitted that the incidental effect of duties, so laid, is to promote our manufactures, yet if it falls short of competent protection, the duties might as well not have been imposed, with reference to that purpose. A moderate addition may accomplish this desirable end; and the proposed tariff is believed to have this character.

9. The prohibitory policy, it is confidently asserted, is condemned by the wisdom of Europe, and by her most enlightened statesmen. Is this the fact? We call upon gentlemen to show in what instance a nation that has enjoyed its benefits has surrendered it.

[Here Mr. Barbour rose (Mr. Clay giving way) and said that England had departed from it in the China trade, in allowing us to trade with her East India possessions, and in tolerating our navigation to her West India colonies.]

With respect to the trade to China, the whole amount of what England has done, is, to modify the monopoly of the East India Company, in behalf of one and a small part of her subjects, to increase the commerce of another and the greater portion of them. The abolition of the restriction, therefore, operates altogether among the subjects of England, and does not touch at all the interests of foreign powers. The toleration of our commerce to British India, is for the sake of the specie, with which we mainly carry on that commerce, and which, having performed its circuit, returns to Great Britain in exchange for British manufactures. The relaxation from the colonial policy, in the instance of our trade and navigation with the West Indies, is a most unfortunate example for the honorable gentleman; for it is an illustrious proof of the success of our restrictive policy, when resolutely adhered to. Great Britain had prescribed the terms on which we were to be graciously allowed to carry on that trade. The effect of her regulations was to exclude our navigation altogether, and a complete monopoly, on the part of the British navigation, was secured. We forbade it, unless our vessels should be allowed a perfect reciprocity. Great Britain stood out a long time, but finally yielded, and our navigation now fairly shares with hers in the trade. Have gentlemen no other to exhibit than these trivial relaxations from the prohibitory policy—which do not amount to a drop in the bucket—to prove its abandonment by Great Britain? Let them show us that her laws are repealed which prohibit the introduction of our flour and provisions; of French silks, laces, porcelain, manufactures of bronze, mirrors, woollens; and of the manufactures of all other nations; and then we may be ready to allow that Great Britain has really abolished her prohibitory policy. We find there, on the contrary, that system of policy in full and rigorous operation, and a most curiously interwoven system it is, as she enforces it. She begins by protecting all parts of her immense dominions against foreign nations. She then protects the parent country against the colonies; and, finally, one part of the parent country against another. The sagacity of Scotch industry has carried the process of distillation to a perfection which would place the art in England on a footing of disadvantageous competition, and English distillation has been protected accordingly. But suppose it were even true that Great Britain had abolished all restrictions upon trade, and allowed the freest introduction of the produce of foreign labor, would that prove it unwise for us to adopt the protecting system? The object of protection is the establishment

and perfection of the arts. In England it has accomplished its purpose, fulfilled its end. If she has not carried every branch of manufacture to the same high state of perfection that any other nation has, she has succeeded in so many, that she may safely challenge the most unshackled competition in exchanges. It is upon this very ground that many of her writers recommend an abandonment of the prohibitory system. It is to give greater scope to British industry and enterprise. It is upon the same selfish principle. The object of the most perfect freedom of trade, with such a nation as Britain; and of the most rigorous system of prohibition, with a nation whose arts are in their infancy, may both be precisely the same. In both cases it is to give greater expansion to native industry. They only differ in the theatres of their operation. The abolition of the restrictive system by Great Britain, if by it she could prevail upon other nations to imitate her example, would have the effect of extending the consumption of British produce in other countries, where her writers boldly affirm it could maintain a fearless competition with the produce of native labor. The adoption of the restrictive system, on the part of the United States, by excluding the produce of foreign labor, would extend the consumption of American produce, unable, in the infancy and unprotected state of the arts, to sustain a competition with foreign fabrics. Let our arts breathe under the shade of protection; let them be perfected, as they are in England, and we shall then be ready, as England now is said to be, to put aside protection, and to enter upon the freest exchanges. To what other cause, than to their whole prohibitory policy, can you ascribe British prosperity? It will not do to assign it to that of her antiquity; for France is no less ancient; though much less rich and powerful, in proportion to the population and natural advantages of France. Hallam, a sensible and highly approved writer on the middle ages, assigns the revival of the prosperity of the north of Europe to the success of the woollen manufactures of Flanders, and the commerce of which their fabrics became the subject; and the commencement of that of England to the establishment of similar manufactures there under the Edwards, and to the prohibitions which began about the same time. As to the poor rates, the theme of so much reproach without England, and of so much regret within it, among her speculative writers, the system was a strong proof no less of her unbounded wealth than of her pauperism. What other nation can dispense, in the form of regulated charity, the enormous sum, I believe, of ten or twelve millions sterling.



[*Mr. Burhour stated it was reduced to six; to which Mr. Clay replied, that he entertained no doubt but that the benign operation of British protection of home industry had greatly reduced it within the last few years, by the full employment of her subjects, of which her flourishing trade bore evidence.*]

The number of British paupers was the result of pressing the principle of population to its utmost limits, by her protecting policy, in the creation of wealth, and in placing the rest of the world under tribute to her industry. Doubtless the condition of England would be better, without paupers, if in other respects it remained the same. But in her actual circumstances, the poor system has the salutary effect of an equalizing corrective of the tendency to the concentration of riches, produced by the genius of her political institutions and by her prohibitory system.

But, is it true that England is convinced of the impolicy of the prohibitory system, and desirous to abandon it? What proof have we to that effect? We are asked to reject the evidence deducible from the settled and steady practice of England, and to take lessons in a school of philosophical writers, whose visionary theories are no where adopted; or, if adopted, bring with them inevitable distress, impoverishment, and ruin. Let us hear the testimony of an illustrious personage, entitled to the greatest attention, because he speaks after the full experiment of the unrestrictive system made in his own empire. I hope I shall give no offence in quoting from a publication issued from "the mint of Philadelphia;" from a work of Mr. Carey, of whom I seize, with great pleasure, the occasion to say, that he merits the public gratitude, for the disinterested diligence with which he has collected a large mass of highly useful facts, and for the clear and convincing reasoning with which he generally illustrates them. The emperor of Russia, in March, 1822, after about two years trial of the free system, says, through Count Nesselrode:

*"To produce happy effects the principles of commercial freedom must be generally adopted. The state which adopts, whilst others reject them, must condemn its own industry and commerce to pay a ruinous tribute to those of other nations."*

*"From a circulation exempt from restraint, and the facility afforded by reciprocal exchanges, almost all the governments at first resolved to seek the means of repairing the evil which Europe had been doomed to suffer; but experience, and more correct calculations, because they were made from certain data, and upon the results already known of the peace that had just taken place, forced them soon to adhere to the prohibitory system."*

*"England preserved hers. Austria remained faithful to the rule she had laid down, to guard herself against the rivalry of foreign industry. France, with the same*

*view, adopted the most rigorous measures of protection. And Prussia published a tariff in October last, which proves that she found it impossible not to follow the example of the rest of Europe."*

*"In proportion as the prohibitory system is extended and rendered perfect in other countries, that state which pursues the contrary system, makes, from day to day, sacrifices more extensive, and more considerable. It offers a continual encouragement to the manufactures of other countries—and its own manufactures perish in the struggle which they are, as yet, unable to maintain."*

*"It is with the most lively feelings of regret we acknowledge it is our own proper experience which enables us to trace this picture. The evils which it details have been realized in Russia and Poland, since the conclusion of the act of the 7—19 of December, 1818. AGRICULTURE WITHOUT A MARKET, INDUSTRY WITHOUT PROTECTION, LANGUISH AND DECLINE. SPECIE IS EXPORTED, AND THE MOST SOLID COMMERCIAL HOUSES ARE SHAKEN. The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs."*

*"Events have proved that our AGRICULTURE and our COMMERCE, as well as our MANUFACTURING INDUSTRY, are not only paralyzed, but BROUGHT TO THE BRINK OF RUIN."*

The example of Spain has been properly referred to, as affording a striking proof of the calamities which attend a state that abandons the care of its own internal industry. Her prosperity was greatest when the arts, brought there by the Moors, flourished most in that kingdom. Then she received from England her wool, and returned it in the manufactured state; and then England was least prosperous. The two nations have reversed conditions. Spain, after the discovery of America, yielding to an inordinate passion for the gold of the Indies, sought in their mines that wealth which might have been better created at home. Can the remarkable difference in the state of the prosperity of the two countries be otherwise explained, than by the opposite systems which they pursued? England, by a sedulous attention to her home industry, supplied the means of an advantageous commerce with her colonies. Spain, by an utter neglect of her domestic resources, confided altogether in those which she derived from her colonies, and presents an instance of the greatest adversity. Her colonies were infinitely more valuable than those of England; and, if she had adopted a similar policy, is it unreasonable to suppose that, in wealth and power, she would have surpassed that of England? I think the honorable gentleman from Virginia does great injustice to the Catholic religion, in specifying that as one of the leading causes of the decline of Spain. It is a religion entitled to great respect; and there is nothing in its character incompatible with the highest degree of national prosperity. Is not France, the most polished, in many other respects the most distinguished state of Christendom, catholic? Is not Flanders, the most populous part of Europe,

also Catholic? Are the Catholic parts of Switzerland and of Germany less prosperous than those which are Protestant?

10. The next objection of the honorable gentleman from Virginia, which I shall briefly notice, is, that the manufacturing system is adverse to the genius of our government, in its tendency to the accumulation of large capitals in a few hands; in the corruption of the public morals, which is alleged to be incident to it; and in the consequent danger to the public liberty. The first part of the objection would apply to every lucrative business, to commerce, to planting, and to the learned professions. Would the gentleman introduce the system of Lycurgus? If his principle be correct, it should be extended to any and every vocation which had a similar tendency. The enormous fortunes in our country—the nabobs of the land—have been chiefly made by the profitable pursuit of that foreign commerce in more propitious times, which the honorable gentleman would so carefully cherish. Immense estates have also been made in the South. The dependants are, perhaps, not more numerous upon that wealth which is accumulated in manufactures, than they are upon that which is acquired by commerce and by agriculture. We may safely confide in the laws of distributions, and in the absence of the rule of primogeniture, for the dissipation, perhaps too rapid, of large fortunes. What has become of those which were held two or three generations back in Virginia? Many of the descendants of the ancient aristocracy, as it was called, of that State, are now in the most indigent condition. The best security against the demoralization of society, is the constant and profitable employment of its members. The greatest danger to public liberty is from idleness and vice. If manufactures form cities, so does commerce. And the disorders and violence which proceed from the contagion of the passions, are as frequent in one description of those communities as in the other. There is no doubt but that the yeomanry of a country is the safest depository of public liberty. In all time to come, and under any probable direction of the labor of our population, the agricultural class must be much the most numerous and powerful, and will ever retain, as it ought to retain, a preponderating influence in our councils. The extent and the fertility of our lands constitute an adequate security against an excess in manufactures, and also against oppression, on the part of capitalists, towards the laboring portions of the community.

11. The last objection, with a notice of which I shall trouble the committee, is, that the constitution does not authorize the passage of the bill. The gentleman from Virginia does not assert, indeed, that it is inconsistent with the express provisions of that instrument, but he thinks it incompatible with the spirit of the constitution. If we attempt to provide for the internal improvement of the country, the constitution, according to some gentlemen, stands in our way. If we attempt to protect American industry against foreign policy and the rivalry of foreign industry, the constitution presents an insuperable obstacle. This constitution must be a most singular instrument ! It seems to be made for any other people than our own. Its action is altogether foreign. Congress has power to lay duties and imposts, under no other limitation whatever than that of their being uniform throughout the United States. But they can only be imposed, according to the honorable gentleman, for the sole purpose of revenue. This is a restriction which we do not find in the constitution. No doubt revenue was a principal object with the framers of the constitution in investing Congress with the power. But, in executing it, may not the duties and imposts be so laid as to secure domestic interests ? Or is Congress denied all discretion as to the amount or the distribution of the duties and imposts ?

The gentleman from Virginia has, however, entirely mistaken the clause of the constitution on which we rely. It is that which gives to Congress the power to regulate commerce with foreign nations. The grant is plenary, without any limitation whatever, and includes the whole power of regulation, of which the subject to be regulated is susceptible. It is as full and complete a grant of the power, as that is to declare war. What is a regulation of commerce ? It implies the admission or exclusion of the objects of it, and the terms. Under this power some articles, by the existing laws, are admitted freely ; others are subjected to duties so high as to amount to their prohibition, and various rates of duties are applied to others. Under this power, laws of total non-intercourse with some nations, embargoes producing an entire cessation of commerce with all foreign countries, have been, from time to time, passed. These laws, I have no doubt, met with the entire approbation of the gentleman from Virginia.

[Mr. Barbour said that he was not in Congress.]

Wherever the gentleman was, whether on his farm or in the pursuit of that profession of which he is an ornament, I have no doubt that he gave his zealous support to the laws referred to.

The principle of the system under consideration has the sanction of some of the best and wisest men, in all ages, in foreign countries as well as in our own—of the Edwards, of Henry the Great, of Elizabeth, of the Colberts, abroad; of our Franklin, Jefferson, Madison, Hamilton, at home. But it comes recommended to us by a higher authority than any of these, illustrious as they unquestionably are—by the master spirit of the age—that extraordinary man, who has thrown the Alexanders and the Cæsars infinitely farther behind him than they stood in advance of the most eminent of their predecessors,—that singular man, who, whether he was seated on his imperial throne, deciding the fate of nations, and allotting kingdoms to the members of his family, with the same composure, if not with the same affection, as that with which a Virginia father divides his plantations among his children, or on the miserable rock of St. Helena, to which he was condemned by the cruelty and the injustice of his unworthy victors, is equally an object of the most intense admiration. He appears to have comprehended, with the rapidity of intuition, the true interests of a state, and to have been able, by the turn of a single expression, to develop the secret springs of the policy of cabinets. We find that Las Cases reports him to have said :

“ He opposed the principles of economists, which he said were correct in theory, though erroneous in their application. The political constitution of different states, continued he, must render these principles defective; local circumstances continually call for deviations from their uniformity. Duties, he said, which were so severely condemned by political economists, should not, it is true, be an object to the treasury; they should be the guarantee and protection of a nation, and should correspond with the nature and the objects of its trade. Holland, which is destitute of productions and manufactures, and which was a trade only of transit and commission, should be free of all fetters and barriers. France, on the contrary, which is rich in every sort of production and manufactures, should incessantly guard against the importations of a rival, who might still continue superior to her, and also against the cupidity, egotism, and indifference of mere brokers.

“ I have not fallen into the error of modern systematizers,” said the emperor, “ who imagine that all the wisdom of nations is centred in themselves. Experience is the true wisdom of nations. And what does all the reasoning of economists amount to? They incessantly extol the prosperity of England, and hold her up as our model; but the custom-house system is more burdensome and arbitrary in England than in any other country. They also condemn prohibitions; yet it was England set the example of prohibitions; and they are in fact necessary with regard to certain objects. Duties cannot adequately supply the place of prohibitions: there will always be found means to defeat the object of the legislator. In France we are still very far behind on these delicate points, which are still unperceived or ill understood by the mass of society. Yet what advancement have we not made—what correctness of ideas has been introduced by my gradual classification of agriculture, industry, and



trade ; objects so distinct in themselves, and which present so great and ~~plain~~ a gradation !

" 1st. *Agriculture* ; the soul, the first basis of the empire.

" 2d. *Industry* ; the comfort and happiness of the population.

" 3d. *Foreign Trade* ; the superabundance, the proper application of the ~~supplies~~ agriculture and industry.

" Agriculture was continually improving during the whole course of the revolution. Foreigners thought it ruined in France. In 1814, however, the English were compelled to admit that we had little or nothing to learn from them.

" Industry or manufactures, and internal trade, made immense progress during my reign. The application of chemistry to the manufactures caused them to advance with giant strides. I gave an impulse, the effects of which extended throughout Europe.

" Foreign trade, which, in its results, is infinitely inferior to agriculture, was an object of subordinate importance in my mind. Foreign trade is made for agriculture and home industry, and not the two latter for the former. The interests of these three fundamental cases are diverging and frequently conflicting. I always promoted them in their natural gradation, but I could not and ought not to have ranked them all on an equality. Time will unfold what I have done ; the national resources which I created, and the emancipation from the English which I brought about. We have now the secret of the commercial treaty of 1788. France still exclaims against its author ; but the English demanded it on pain of resuming the war. They wished to do the same after the treaty of Amiens ; but I was then all-powerful ; I was a hundred cubits high. I replied, that if they were in possession of the heights of Montmartre I would still refuse to sign the treaty. These words were echoed through Europe.

" The English will now impose some such treaty on France, at least, if popular clamor and the opposition of the mass of the nation do not force them to draw back. This thralldom would be an additional disgrace in the eyes of that nation, which is now beginning to acquire a just perception of her own interests.

" When I came to the head of the government, the American ships, which were permitted to enter our ports on the score of their neutrality, brought us raw materials, and had the impudence to sail from France without freight, for the purpose of taking in cargoes of English goods in London. They moreover had the insolence to make their payments, when they had any to make, by giving bills on persons in London. Hence the vast profits reaped by the English manufacturers and brokers, entirely to our prejudice. I made a law that no American should import goods to any amount without immediately exporting their exact equivalent. A loud outcry was raised against this ; it was said that I had ruined trade. But what was the consequence ? Notwithstanding the closing of my ports, and in spite of the English, who ruled the seas, the Americans returned and submitted to my regulations. What might I not have done under more favorable circumstances ?

" Thus I naturalized in France the manufacture of cotton, which includes,

" 1st. *Spun Cotton*.—We did not previously spin it ourselves ; the English supplied us with it as a sort of favor.

" 2d. *The Web*.—We did not yet make it ; it came to us from abroad.

" 3d. *The Printing*.—This was the only part of the manufacture that we performed ourselves. I wished to naturalize the two first branches ; and I proposed to the council of state that their importation should be prohibited. This excited great alarm. I sent for Oberkamp, and I conversed with him for a long time. I learned from him that this prohibition would doubtless produce a shock, but that, after a year or two of perseverance, it would prove a triumph, whence we should derive immense advantages. Then I issued my decree in spite of all : this was a true piece of statesmanship.

" I at first confined myself merely to prohibiting the web ; then I extended the prohibition to spun cotton ; and we now possess, within ourselves, the three branches of the cotton manufacture, to the great benefit of our population, and the injury and regret of the English, which proves that, in civil government as well as in war, decision of character is often indispensable to success "

I will trouble the committee with only one other quotation, which I shall make from Lowe; and from hearing which, the committee must share with me in the mortification which I felt on perusing it. That author says:

"It is now above forty years since the United States of America were definitively separated from us, and since their situation has afforded a proof that the benefit of mercantile intercourse may be retained, in all its extent, without the care of governing, or the expense of defending, these once regretted provinces."

Is there not too much truth in this observation? By adhering to the foreign policy, which I have been discussing, do we not remain essentially British, in every thing but the form of our government? Are not our interests, our industry, our commerce, so modified as to swell British pride, and to increase British power?

Mr. Chairman, our confederacy comprehends within its vast limits great diversity of interests: agricultural, planting, farming, commercial, navigating, fishing, manufacturing. No one of these interests is felt in the same degree, and cherished with the same solicitude, throughout all parts of the Union. Some of them are peculiar to particular sections of our common country. But all these great interests are confided to the protection of one government—to the fate of one ship: and a most gallant ship it is, with a noble crew. If we prosper, and are happy, protection must be extended to all; it is due to all. It is the great principle on which obedience is demanded from all. If our essential interests cannot find protection from our own government against the policy of foreign powers, where are they to get it? We did not unite for sacrifice, but for preservation. The inquiry should be, in reference to the great interests of every section of the Union, (I speak not of minute subdivisions,) what would be done for those interests if that section stood alone and separated from the residue of the republic? If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them, which would be done if it formed a distinct government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted, by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case, all should not be done for one which would be done, if it were separated and independent,—but something; and in devising the measure, the good of each part and of the whole should be carefully consulted. This is the only mode by which we can preserve, in full

vigor, the harmony of the whole Union. The South entertains one opinion, and imagines that a modification of the existing policy of the country, for the protection of American industry, involves the ruin of the South. The North, the East, the West, hold the opposite opinion, and feel and contemplate, in a longer adherence to the foreign policy, as it now exists, their utter destruction. Is it true that the interests of these great sections of our country are irreconcilable with each other? Are we reduced to the sad and afflicting dilemma of determining which shall fall a victim to the prosperity of the other? Happily, I think, there is no such distressing alternative. If the North, the West, and the East formed an independent state, unassociated with the South, can there be a doubt that the restrictive system would be carried to the point of prohibition of every foreign fabric of which they produce the raw material, and which they could manufacture? Such would be their policy, if they stood alone; but they are fortunately connected with the South, which believes its interests to require a free admission of foreign manufactures. Here then is a case for mutual concession, for fair compromise. The bill under consideration presents this compromise. It is a medium between the absolute exclusion and the unrestricted admission of the produce of foreign industry. It sacrifices the interest of neither section to that of the other; neither, it is true, gets all that it wants, nor is subject to all that it fears. But it has been said that the South obtains nothing in this compromise. Does it lose any thing? is the first question. I have endeavored to prove that it does not, by showing that a mere transfer is effected in the source of the supply of its consumption from Europe to America; and that the loss, whatever it may be, of the sale of its great staple in Europe, is compensated by the new market created in America. But does the South really gain nothing in this compromise? The consumption of the other sections, though somewhat restricted, is still left open by this bill to foreign fabrics purchased by southern staples. So far its operation is beneficial to the South, and prejudicial to the industry of other sections—and that is the point of mutual concession. The South will also gain by the extended consumption of its great staple, produced by an increased capacity to consume it in consequence of the establishment of the home market. But the South cannot exert its industry and enterprise in the business of manufactures! Why not? The difficulties, if not exaggerated, are artificial, and may, therefore, be surmounted. But can the other sections embark in the planting occupa-

tion of the South? The obstructions which forbid them are natural, created by the immutable laws of God, and, therefore, unconquerable.

Other animating considerations invite us to adopt the policy of this system. Its importance, in connexion with the general defence in time of war, cannot fail to be duly estimated. Need I recall to our painful recollection the sufferings, for the want of an adequate supply of absolute necessities, to which the defenders of their country's rights and our entire population were subjected during the late war? Or to remind the committee of the great advantage of a steady and unfailling source of supply, unaffected alike in war and in peace? Its importance, in reference to the stability of the Union, that paramount and greatest of all our interests, cannot fail warmly to recommend it, or at least to conciliate the forbearance of every patriot bosom. Now our people present the spectacle of a vast assemblage of jealous rivals, all eagerly rushing to the seaboard, jostling each other in their way, to hurry off to glutted foreign markets the perishable produce of their labor. The tendency of that policy, in conformity to which this bill is prepared, is to transform these competitors into friends and mutual customers; and, by the reciprocal exchanges of their respective productions, to place the confederacy upon the most solid foundations, the basis of common interest. And is not government called upon, by every stimulating motive, to adapt its policy to the actual condition and extended growth of our great republic? At the commencement of our constitution, almost the whole population of the United States was confined between the Alleghany mountains and the Atlantic Ocean. Since that epoch, the western part of New York, of Pennsylvania, of Virginia, all the Western States and Territories, have been principally peopled. Prior to that period, we had scarcely an interior. An interior has sprung up, as it were by enchantment, and along with it new interests and new relations, requiring the parental protection of government. Our policy should be modified accordingly, so as to comprehend all, and sacrifice none. And are we not encouraged by the success of past experience, in respect to the only article which has been adequately protected? Already have the predictions of the friends of the American system, in even a shorter time than their most sanguine hopes could have anticipated, been completely realized in regard to that article; and consumption is now better and cheaper supplied with coarse cottons, than it was under the prevalence of the foreign system.

Even if the benefits of the policy were limited to certain sections of our country, would it not be satisfactory to behold American industry, wherever situated, active, animated, and thrifty, rather than persevere in a course which renders us subservient to foreign industry? But these benefits are two-fold, direct and collateral, and, in the one shape or the other, they will diffuse themselves throughout the Union. All parts of the Union will participate, more or less, in both. As to the direct benefit, it is probable that the North and the East will enjoy the largest share. But the West and the South will also participate in them. Philadelphia, Baltimore, and Richmond, will divide with the northern capitals the business of manufacturing. The latter city unites more advantages for its successful prosecution than any other place I know; Zanesville, in Ohio, only excepted. And where the direct benefit does not accrue, that will be enjoyed of supplying the raw material and provisions for the consumption of artisans. Is it not most desirable to put at rest and prevent the annual recurrence of this unpleasant subject, so well fitted by the various interests to which it appeals, to excite irritation and to produce discontent? Can that be effected by its rejection? Behold the mass of petitions which lie on our table, earnestly and anxiously entreating the protecting interposition of Congress against the ruinous policy which we are pursuing. Will these petitioners, comprehending all orders of society, entire States and communities, public companies and private individuals, spontaneously assembling, cease in their humble prayers by your lending a deaf ear? Can you expect that these petitioners, and others, in countless numbers, that will, if you delay the passage of this bill, supplicate your mercy, should contemplate their substance gradually withdrawn to foreign countries, their ruin slow, but certain and as inevitable as death itself, without one expiring effort? You think the measure injurious to you; we believe our preservation depends upon its adoption. Our convictions, mutually honest, are equally strong. What is to be done? I invoke that saving spirit of mutual concession under which our blessed constitution was formed, and under which alone it can be happily administered. I appeal to the South—to the high-minded, generous, and patriotic South—with which I have so often co-operated, in attempting to sustain the honor and to vindicate the rights of our country. Should it not offer, upon the altar of the public good, some sacrifice of its peculiar opinions? Of what does it complain? A possible temporary enhancement in the objects of its consumption. Of what



do we complain? A total incapacity, produced by the foreign policy, to purchase, at any price, necessary foreign objects of consumption. In such an alternative, inconvenient only to it, ruinous to us, can we expect too much from southern magnanimity? The just and confident expectation of the passage of this bill has flooded the country with recent importations of foreign fabrics. If it should not pass, they will complete the work of destruction of our domestic industry. If it should pass, they will prevent any considerable rise in the price of foreign commodities, until our own industry shall be able to supply competent substitutes.

To the friends of the tariff, I would also anxiously appeal. Every arrangement of its provisions does not suit each of you; you desire some further alterations; you would make it perfect. You want what you will never get. Nothing human is perfect. And I have seen, with great surprise, a piece signed by a member of Congress, published in the *National Intelligencer*, stating that this bill must be rejected, and a judicious tariff brought in as its substitute. A *judicious* tariff! No member of Congress could have signed that piece; or, if he did, the public ought not to be deceived. If this bill do not pass, unquestionably no other can pass at this session, or probably during this Congress. And who will go home and say that he rejected all the benefits of this bill, because molasses has been subjected to the enormous additional duty of five cents per gallon? I call, therefore, upon the friends of the American policy, to yield somewhat of their own peculiar wishes, and not to reject the practicable in the idle pursuit after the unattainable. Let us imitate the illustrious example of the framers of the constitution, and, always remembering that whatever springs from man partakes of his imperfections, depend upon experience to suggest, in future, the necessary amendments.

We have had great difficulties to encounter.—1. The splendid talents which are arrayed in this House against us. 2. We are opposed by the rich and powerful in the land. 3. The executive government, if any, affords us but a cold and equivocal support. 4. The importing and navigating interest, I verily believe from misconception, are adverse to us. 5. The British factors and the British influence are inimical to our success. 6. Long established habits and prejudices oppose us. 7. The reviewers and literary speculators,

foreign and domestic. And, lastly, the leading passion of the country, including the influence of that which is established in this city, and sustained by the public purse.

From some of these, or other causes, the bill may be postponed, thwarted, defeated. But the cause is the cause of the country, and it must and will prevail. It is founded in the interests and affections of the people. It is as native as the granite deeply imbedded in our mountains. And, in conclusion, I would pray God, in His infinite mercy, to avert from our country the evils which are impending over it, and, by enlightening our councils, to conduct us into that path which leads to riches, to greatness, to glory.

## ON AFRICAN COLONIZATION.

IN THE HALL OF THE HOUSE OF REPRESENTATIVES, JAN. 20, 1827.

BEFORE THE AMERICAN COLONIZATION SOCIETY.

I CANNOT withhold the expression of my congratulations to the society on account of the very valuable acquisition which we have obtained in the eloquent gentleman from Boston, (Mr. Knapp,) who has just favored us with an address. He has told us of his original impressions, unfavorable to the object of the society, and of his subsequent conversion. If the same industry, investigation and unbiased judgment, which he and another gentleman, (Mr. Powell,) who avowed at the last meeting of the society, a similar change wrought in his mind, were carried, by the public at large, into the consideration of the plan of the society, the conviction of its utility would be universal.

I have risen to submit a resolution, in behalf of which I would bespeak the favor of the society. But before I offer any observations in its support, I must say that, whatever part I shall take in the proceedings of this society, whatever opinions or sentiments I may utter, they are exclusively my own. Whether they are worth anything or not, no one but myself is at all responsible for them. I have consulted with no person out of this society; and I have especially abstained from all communication or consultation with any one to whom I stand in any official relation. My judgment on the object of this society has been long since deliberately formed. The conclusions to which, after much and anxious consideration, my mind has

been brought, have been neither produced nor refuted by the official station, the duties of which have been confided to me.

From the origin of this society, every member of it has, I believe, looked forward to the arrival of a period, when it would be necessary to invoke the public aid in the execution of the great scheme which it was instituted to promote. Considering itself as the mere pioneer in the cause which it had undertaken, it was well aware that it could do no more than remove preliminary difficulties, and point out a sure road to ultimate success; and that the public only could supply that regular, steady, and efficient support, to which the gratuitous means of benevolent individuals would be found incompetent. My surprise has been that the society has been able so long to sustain itself, and to do so much upon the charitable contributions of good, and pious, and enlightened men, whom it has happily found in all parts of our country. But our work has so prospered, and grown under our hands, that the appeal to the power and resources of the public should be no longer deferred. The resolution which I have risen to propose contemplates this appeal. It is in the following words:

*“Resolved, That the board of managers be empowered and directed, at such time or times as may seem to them expedient, to make respectful application to the Congress of the United States, and to the legislatures of the different States, for such pecuniary aid, in furtherance of the object of this society, as they may respectively be pleased to grant.”*

In soliciting the countenance and support of the legislatures of the Union and the States, it is incumbent on the society, in making out its case, to show, first—that it offers to their consideration a scheme which is practicable—and second—that the execution of the practicable scheme, partial or entire, will be fraught with such beneficial consequences as to merit the support which is solicited. I believe both points to be maintainable. First. It is now little upwards of ten years since a religious, amiable, and benevolent resident\* of this

\* It has been, since the delivery of the Speech, suggested, that the Rev. Robert Finley, of New Jersey, (who is also unfortunately dead,) contemplated the formation of a society, with the view to the establishment of a colony in Africa, and probably first commenced the project. It is quite likely that he did; and Mr. Clay recollects seeing Mr. Finley, and consulting with him on the subject, about the period of the formation of the society. But the allusion to Mr. Caldwell was founded on the facts well known to Mr. Clay, of his active agency in the organization of the society, and his unremitting subsequent labors, which were not confined to the District of Columbia, in promoting the cause.

city first conceived the idea of planting a colony, from the United States, of free people of color, on the western shores of Africa. He is no more; and the noblest eulogy which could be pronounced on him would be to inscribe on his tomb the merited epitaph—"Here lies the projector of the American Colonization Society." Amongst others, to whom he communicated the project, was the person who now has the honor of addressing you. My first impressions, like those of all who have not fully investigated the subject, were against it. They yielded to his earnest persuasions and my own reflections, and I finally agreed with him that the experiment was worthy of a fair trial. A meeting of its friends was called—organized as a deliberative body, and a constitution was formed. The society went into operation. He lived to see the most encouraging progress in its exertions, and died in full confidence of its complete success. The society was scarcely formed before it was exposed to the derision of the unthinking; pronounced to be visionary and chimerical by those who were capable of adopting wiser opinions, and the most confident predictions of its entire failure were put forth. It found itself equally assailed by the two extremes of public sentiment in regard to our African population. According to one, (that rash class which, without a due estimate of the fatal consequence, would forthwith issue a decree of general, immediate, and indiscriminate emancipation,) it was a scheme of the slave-holder to perpetuate slavery. The other (that class which believes slavery a blessing, and which trembles with aspen sensibility at the appearance of the most distant and didcal danger to the tenure by which that description of property is held) declared it a contrivance to let loose on society all the slaves of the country, ignorant, uneducated, and incapable of appreciating the value, or enjoying the privileges of freedom.\* The Society saw itself surrounded by every sort of embarrassment. What great human enterprise was ever undertaken without difficulty? What ever failed, within the compass of human power, when pursued with perseverance and blessed by the smiles of Providence? The Society prosecuted undismayed its great work, appealing for succor to the moderate, the reasonable, the virtuous, and religious portions of the public. It protested from the commencement, and throughout all its progress, and it now protests, that it entertains no purpose, on its

\*A Society of a few individuals, without power, without other resources than those which are supplied by spontaneous benevolence, to emancipate all the slaves of the country!



own authority or by its own means, to attempt emancipation, partial or general; that it knows the general government has no constitutional power to achieve such an object; that it believes that the States, and the States only, which tolerate slavery, can accomplish the work of emancipation; and that it ought to be left to them, exclusively, absolutely, and voluntarily, to decide the question.

The object of the Society was the colonization of the free colored people, not the slaves, of the country. Voluntary in its institution, voluntary in its continuance, voluntary in all its ramifications, all its means, purposes, and instruments are also voluntary. But it was said that no free colored persons could be prevailed upon to abandon the comforts of civilized life, and expose themselves to all the perils of a settlement in a distant, inhospitable, and savage country; that, if they could be induced to go on such a quixotic expedition, no territory could be procured for their establishment as a colony; that the plan was altogether incompetent to effectuate its professed object; and that it ought to be rejected as the idle dream of visionary enthusiasts. The Society has outlived, thank God, all these disastrous predictions. It has survived to swell the list of false prophets. It is no longer a question of speculation whether a colony can or cannot be planted from the United States of free persons of color on the shores of Africa. It is a matter demonstrated; such a colony, in fact, exists, prospers, has made successful war, and honorable peace, and transacts all the multiplied business of a civilized and Christian community. It now has about five hundred souls, disciplined troops, forts, and other means of defence, sovereignty over an extensive territory, and exerts a powerful and salutary influence over the neighboring clans.

Numbers of the free African race among us are willing to go to Africa. The Society has never experienced any difficulty on that subject, except that its means of comfortable transportation have been inadequate to accommodate all who have been anxious to migrate. Why should they not go? Here they are in the lowest state of social gradation—aliens—political—moral—social aliens, strangers, though natives. There, they would be in the midst of their friends and their kindred, at home, though born in a foreign land, and elevated above the natives of the country, as much as they are degraded here below the other classes of the community. But on this matter,

I am happy to have it in my power to furnish indisputable evidence from the most authentic source, that of large numbers of free persons of color themselves. Numerous meetings have been held in several churches in Baltimore, of the free people of color, in which, after being organized as deliberative assemblies, by the appointment of a chairman (if not of the same complexion) presiding as you, Mr. Vice President, do, and secretaries, they have voted memorials addressed to the white people, in which they have argued the question with an ability, moderation, and temper, surpassing anything I can command, and emphatically recommended the colony of Liberia to favorable consideration, as the most desirable and practicable scheme ever yet presented on this interesting subject. I ask permission of the Society to read this highly creditable document.

"The system of government established with the full consent of the colonists, in the autumn of 1824, and which the managers had the happiness to represent in their last report, as having thus far fulfilled all the purposes of its institution, has continued its operations during the year without the least irregularity, and with undiminished success. The republican principle is introduced as far as is consistent with the youthful and unformed character of the settlement, and in the election of their officers the colonists have evinced such integrity and judgment as afford promise of early preparation for all the duties of self-government. 'The civil prerogatives and government of the colony, and the body of the laws by which they are sustained,' says the colonial agent, 'are the pride of all. I am happy in the persuasion I have, that I hold the balance of the laws in the midst of a people, with whom the first perceptible inclination of the sacred scale determines authoritatively their sentiments and their conduct. There are individual exceptions, but these remarks extend to the body of the settlers.'

"The moral and religious character of the colony, exerts a powerful influence on its social and civil condition. That piety which had guided most of the early emigrants to Liberia, even before they left this country, to respectability and usefulness among their associates, prepared them, in laying the foundation of a colony, to act with a degree of wisdom and energy which no earthly motives could inspire. Humble, and for the most part unlettered men; born and bred in circumstances the most unfavorable to mental culture; unsustained by the hope of renown, and unfamiliar with the history of great achievements and heroic virtues, theirs was nevertheless a spirit unmoved by dangers or by sufferings, which misfortunes could not darken, nor death dismay. They left America, and felt that it was for ever: they landed in Africa, possibly to find a home, but certainly a grave. Strange would it have been had the religion of every individual of these early settlers proved genuine; but immensely changed as have been their circumstances, and severely tried their faith, most have preserved untarnished the honors of their profession, and to the purity of their morals and the consistency of their conduct, is in a great measure to be attributed the social order and general prosperity of the colony of Liberia. Their example has proved most salutary; and while subsequent emigrants have found themselves awed and restrained, by their regularity, seriousness, and devotion, the poor natives have given their confidence, and acknowledged the excellence of practical Christianity. 'It deserves record,' says Mr. Ashmun, 'that religion has been the principal agent employed in laying and confirming the foundations of the settlement. To this sentiment, ruling, restraining, and actuating the minds of a large proportion of the colonists, must be referred the whole strength of our civil government.' Examples of intemperance, profaneness, or licentiousness, are extremely rare, and vice, wherever it exists, is obliged to seek concealment from the public eye. The Sabbath is universally respected; Sunday schools, both for the children of the colony and for the natives, are established; all classes attend regularly upon the worship of God; some charitable associations have been formed for the benefit of the hea-

then ; and though it must not be concealed, that the deep concern on the subject of religion, which resulted, towards the conclusion of the year 1826, in the public profession of Christianity by about fifty colonists, has in a measure subsided, and some few cases of delinquency since occurred ; and though there are faults growing out of the early condition and habits of the settlers which require amendment ; yet the managers have reason to believe, that there is a vast and increasing preponderance on the side of correct principle and virtuous practice.

"The agriculture of the colony has received less attention than its importance demands. This is to be attributed to the fact, that the labor of the settlers has been applied to objects conducing more immediately to their subsistence and comfort.

"It will not, the board trust, be concluded that, because more might have been done for the agricultural interests of the colony, what has been effected is inconsiderable. Two hundred and twenty-four plantations, of from five to ten acres each, were, in June last, occupied by the settlers, and most of them are believed to be at present under cultivation. One hundred and fourteen of these are on cape Montserado, thirty-three on Stockton creek, (denominated the half-way farms, because nearly equi-distant from Monrovia and Caldwell, the St. Paul's settlement,) and seventy-seven at the confluence of Stockton creek with the St. Paul's.

"The St. Paul's territory includes the half-way farms, and is represented as a beautiful tract of country, comparatively open, well watered and fertile, and still further recommended, as having been, for ages, selected by the natives on account of its productiveness for their rice and cassada plantations. The agricultural habits of the present occupants of this tract concur with the advantages of their situation, in affording promise of success to their exertions. 'Nothing,' says the colonial agent, 'but circumstances of the most extraordinary nature, can prevent them from making their way directly to respectability and abundance.'

"Oxen were trained to labor in the colony in 1826, and it was then expected that the plough would be introduced in the course of another year. Although commerce has thus far taken the lead of agriculture, yet the excellence of the soil, the small amount of labor required for its cultivation, and the value and abundance of its products, cannot fail, finally, to render the latter the more cherished, as it is, certainly, the more important interest of the colony.

"The trade of Liberia has increased with a rapidity almost unexampled, and while it has supplied the colonists not only with the necessaries, but with the conveniences and comforts of life, the good faith with which it has been conducted, has conciliated the friendship of the natives, and acquired the confidence of foreigners.

"The regulations of the colony allowing no credits, except by a written permission, and requiring the barter to be carried on through factories established for the purpose, has increased the profits of the traffic, and prevented numerous evils which must have attended upon a more unrestricted license.

"Between the first of January and the fifteenth of July, 1826, no less than fifteen vessels touched at Monrovia and purchased the produce of the country, to the amount, according to the best probable estimate, of forty-three thousand nine hundred and eighty dollars, African value. The exporters of this produce realize, on the sale of the goods given in barter for it, a profit of twenty-one thousand nine hundred and ninety dollars, and on the freight, of eight thousand seven hundred and eighty-six dollars, making a total profit of thirty thousand seven hundred and eighty-six dollars.

"A gentleman in Portland has commenced a regular trade with the colony ; and for his last cargo landed in Liberia, amounting to eight thousand dollars, he received payment in the course of ten days. The advantages of this trade to the colony are manifest from the high price of labor, (that of mechanics being two dollars per day, and that of common laborers from seventy-five cents to one dollar and twenty-five cents,) and from the easy and comfortable circumstances of the settlers

'An industrious family, twelve months in Africa, destitute of the means of furnishing an abundant table, is not known; and an individual, of whatever age or sex, without ample provision of decent apparel, cannot, it is believed, be found.' 'Every family,' says Mr. Ashmun, 'and nearly every single adult person in the colony, has the means of employing from one to four native laborers, at an expense of from four to six dollars the month; and several of the settlers, when called upon in consequence of sudden emergencies of the public service, have made repeated advances of merchantable produce, to the amount of three hundred to six hundred dollars each.'

"The managers are happy to state, that the efforts of the colonial agent to enlarge the territory of Liberia, and particularly to bring under the government of the colony a more extended line of coast, have been judicious and energetic, and in nearly every instance resulted in complete success. From Cape Mount to Tradetown, a distance of one hundred and fifty miles, the colonial government has acquired partial jurisdiction. Four of the most important *STATIONS* on this tract, including Montserado, belong to the Society, either by actual purchase, or by a deed of perpetual lease; and such negotiations have been entered upon with the chiefs of the country, as amount to a preclusion of all Europeans from any possessions within these limits. The fine territory of the St. Paul's, now occupied by settlers, was described in the last Annual Report of the Society.

"The territory of Young Sesters, recently ceded to the Society, is ninety miles south of Montserado, in the midst of a very productive rice country, affording also large quantities of palm oil, camwood, and ivory. The tract granted to the colony, includes the bed of the Sester's river, and all the land on each side, to the distance of half a league, and extending longitudinally from the river's mouth to its source. In compliance with the terms of the contract, the chief of the country has constructed a commodious store-house, and put a number of laborers, sufficient for the cultivation of a rice plantation of forty acres, under the direction of a respectable colonist, who takes charge of the establishment.

"The right of use and occupancy has also been obtained to a region of country on the south branch of the St. John's river, north nine miles from Young Sesters, and the trading factory established there, under the superintendence of a family from Monrovia, has already provided a valuable source of income to the colony. Rice is also here to be cultivated, and the chief who cedes the territory agrees to furnish the labor.

"The upright and exemplary conduct of the individual at the head of this establishment, has powerfully impressed the natives with the importance of inviting them to settle in their country; and consequently, the offer made by the colonial agent, for the purchase of Factory Island, has been accepted by its proprietor. This island is in the river St. John's, four miles from its mouth, from five to six miles in length, and one-third of a mile in breadth, and is among the most beautiful and fertile spots in Africa. A few families are about to take up their residence upon it, and prepare for founding a settlement, 'which cannot fail,' says Mr. Ashmun, 'in a few years, to be second to no other in the colony, except Monrovia.'

"Negotiations are also in progress with the chiefs of Cape Mount, which, if successful, will secure to the colony the whole trade of that station, estimated at fifty thousand dollars per annum, and may ultimately lead to its annexation to the territories of Liberia. 'The whole country between Cape Mount and Tradetown,' observes Mr. Ashmun, 'is rich in soil and other natural advantages, and capable of sustaining a numerous and civilized population beyond almost any other country on earth. Leaving the seaboard, the traveller, everywhere, at the distance of a very few miles, enters upon a uniform upland country, of moderate elevation, intersected by innumerable rivulets, abounding in springs of unfailing water, and covered with a verdure which knows no other changes except those which refresh and renew its beauties. The country directly on the sea, although verdant and fruitful to a high degree, is found everywhere to yield, in both respects, to the interior.'

"Much progress has been made the last year, in the construction of public buildings and works of defence, though, with adequate supplies of lumber, more might doubtless have been accomplished. Two handsome churches, erected solely by the colonists, now adorn the village of Monrovia. Fort Stockton has been rebuilt in a

style of strength and beauty. A receptacle capable of accommodating one hundred and fifty emigrants, is completed. The new agency house, market house, Lanes-terian school, and town house, in Monrovia, were, some months since, far advanced, and the finishing strokes were about to be given to the government house on the St. Paul's. The wing of the old agency house has been 'handsomely fitted up for the colonial library, which now consists of twelve hundred volumes systematically arranged in glazed cases with appropriate hangings. All the books are substantially covered, and accurately labelled; and files of more than ten newspapers, more or less complete, are preserved. The library is fitted up so as to answer the purpose of a reading-room, and it is intended to make it a museum of all the natural curiosities of Africa, which can be procured.'

"No efforts have been spared to place the colony in a state of adequate defence, and while it is regarded as perfectly secure from the native forces, it is hoped and believed that it may sustain itself against any piratical assaults. 'The establishment has fifteen large carriage guns and three small pivot guns, all fit for service.' Fort Stockton overlooks the whole town of Monrovia, and a strong battery is now building on the height of Thompson Town, near the extremity of the Cape, which it is thought will afford protection to vessels anchoring in the roadstead. The militia of the colony consists of two corps appropriately uniformed, one of artillery of about fifty men, the other of infantry of forty men, and on various occasions have they proved themselves deficient neither in discipline nor courage."

The Society has experienced no difficulty in the acquisition of a territory, upon reasonable terms, abundantly sufficient for a most extensive colony. And land in ample quantities, it has been ascertained, can be procured in Africa, together with all rights of sovereignty, upon conditions as favorable as those on which the United States extinguish the Indian title to territory within their own limits.

In respect to the alleged incompetency of the scheme to accomplish its professed object, the society asks that that object should be taken to be, not what the imaginations of its enemies represent it to be, but what it really proposes. They represent that the purpose of the society is to export the whole African population of the United States, bond and free; and they pronounce this design to be unattainable. They declare that the means of the whole country are insufficient to effect the transportation to Africa of a mass of population approximating to two millions of souls. Agreed; but that is not what the society contemplates. They have substituted their own notion for that of the society. What is the true nature of the evil of the existence of a portion of the African race in our population? It is not that there are *some*, but that there are *so many* among us of a different caste, of a different physical, if not moral, constitution, who never can amalgamate with the great body of our population. In every country, persons are to be found varying in their color, origin, and character, from the native mass. But this anomaly creates no inquietude or apprehension, because the exotics, from the smallness of their number, are known to be utterly incapable of disturbing the



general tranquillity. Here, on the contrary, the African part of our population bears so large a proportion to the residue, of European origin, as to create the most lively apprehension, especially in some quarters of the Union. Any project, therefore, by which, in a material degree, the dangerous element in the general mass can be diminished or rendered stationary, deserves deliberate consideration.

The Colonization Society has never imagined it to be practicable, or within the reach of any means which the several governments of the Union could bring to bear on the subject, to transport the whole of the African race within the limits of the United States. Nor is that necessary to accomplish the desirable object of domestic tranquillity, and render us one homogeneous people. The population of the United States has been supposed to duplicate in periods of twenty-five years. That may have been the case heretofore, but the terms of duplication will be more and more protracted as we advance in national age; and I do not believe that it will be found, in any period to come, that our numbers will be doubled in a less term than one of about thirty-three and a third years. I have not time to enter now into details in support of this opinion. They would consist of those checks which experience has shown to obstruct the progress of population, arising out of its actual augmentation and density, the settlement of waste lands, &c. Assuming the period of thirty-three and a third, or any other number of years, to be that in which our population will hereafter be doubled, if during that whole term the capital of the African stock could be kept down, or stationary, whilst that of European origin should be left to an unobstructed increase, the result, at the end of the term, would be most propitious. Let us suppose, for example, that the whole population at present of the United States is twelve millions, of which ten may be estimated of the Anglo-Saxon, and two of the African race. If there could be annually transported from the United States an amount of the African portion equal to the annual increase of the whole of that caste, whilst the European race should be left to multiply, we should find at the termination of the period of duplication, whatever it may be, that the relative proportions would be as twenty to two. And if the process were continued, during a second term of duplication, the proportion would be as forty to two—one which would eradicate every cause of alarm or solicitude from the breasts of the most timid. But the transportation of Africans, by creating, to the extent to which it might be carried, a vacuum in

society, would tend to accelerate the duplication of the European race, who, by all the laws of population, would fill up the void space.

This Society is well aware, I repeat, that they cannot touch the subject of slavery, But it is no objection to their scheme, limited as it is exclusively to those free people of color who are willing to migrate, that it admits of indefinite extension and application, by those, who alone, having the competent authority, may choose to adopt and apply it. Our object has been to point out the way, to show that colonization is practicable, and to leave it to those States or individuals, who may be pleased to engage in the object, to prosecute it. We have demonstrated that a colony may be planted in Africa, by the fact that an American colony there exists. The problem which has so long and so deeply interested the thoughts of good and patriotic men is solved. A country and a home have been found, to which the African race may be sent, to the promotion of their happiness and our own.

But, Mr. Vice-President, I shall not rest contented with the fact of the establishment of the colony, conclusive as it ought to be deemed, of the practicability of our purpose. I shall proceed to show, by reference to indisputable statistical details and calculations, that it is within the compass of reasonable human means. I am sensible of the tediousness of all arithmetical data, but I will endeavor to simplify them as much as possible. It will be borne in mind that the aim of the Society is to establish in Africa a colony of the free African population of the United States, to an extent which shall be beneficial both to Africa and America. The whole free colored population of the United States amounted in 1790, to fifty-nine thousand four hundred and eighty-one; in 1800, to one hundred and ten thousand and seventy-two; in 1810, to one hundred and eighty-six thousand four hundred and forty-six; and in 1820, to two hundred and thirty-three thousand five hundred and thirty. The ratio of annual increase during the first term of ten years was about eight and a half per cent. per annum; during the second about seven per cent. per annum; and during the third, a little more than two and a half. The very great difference in the rate of annual increase, during those several terms, may probably be accounted for by the effect of the number of voluntary emancipations operating with more influence upon the total smaller amount of free colored persons at the first of those periods, and by the facts of the insurrection in St. Domingo, and the acqui-

tion of Louisiana, both of which, occurring during the first and second terms, added considerably to the number of our free colored population.

Of all descriptions of our population, that of the free colored, taken in the aggregate, is the least prolific, because of the checks arising from vice and want. During the ten years between 1810 and 1820, when no extraneous causes existed to prevent a fair competition in the increase between the slave and the free African race, the former increased at the rate of nearly three per cent. per annum, whilst the latter did not much exceed two and a half. Hereafter it may be safely assumed, and I venture to predict will not be contradicted by the return of the next census, that the increase of the free black population will not surpass two and a half per cent. per annum. Their amount at the last census, being two hundred and thirty-three thousand five hundred and thirty, for the sake of round numbers, their annual increase may be assumed to be six thousand at the present time. Now if this number could be annually transported from the United States during a term of years, it is evident that, at the end of that term, the parent capital will not have increased, but will have been kept down, at least to what it was at the commencement of the term. Is it practicable, then, to colonize annually six thousand persons from the United States, without materially impairing or affecting any of the great interests of the United States? This is the question presented to the judgments of the legislative authorities of our country. This is the whole scheme of the society. From its actual experience, derived from the expenses which have been incurred in transporting the persons already sent to Africa, the entire average expense of each colonist, young and old, including passage money and subsistence, may be stated at twenty dollars per head. There is reason to believe that it may be reduced considerably below that sum. Estimating that to be the expense, the total cost of transporting six thousand souls annually to Africa would be one hundred and twenty thousand dollars. The tonnage requisite to effect the object, calculating two persons to every five tons, (which is the provision of existing law,) would be fifteen thousand tons. But, as each vessel could probably make two voyages in the year, it may be reduced to seven thousand five hundred. And as both our mercantile and military marine might be occasionally employed on this collateral service, without injury to the main object of the voyage, a further

abatement might be safely made in the aggregate amount of the necessary tonnage. The navigation concerned in the commerce between the colony and the United States, (and it already begins to supply subjects of an interesting trade,) might be incidentally employed to the same end.

Is the annual expenditure of a sum no larger than one hundred and twenty thousand dollars, and the annual employment of seven thousand five hundred tons of shipping, too much for reasonable exertion, considering the magnitude of the object in view? Are they not, on the contrary, within the compass of moderate efforts?

Here is the whole scheme of the Society—a project which has been pronounced visionary by those who have never given themselves the trouble to examine it, but to which I believe most unbiased men will yield their cordial assent, after they have investigated it.

Limited as the project is, by the society, to a colony to be formed by the free and unconstrained consent of free persons of color, it is no objection, but, on the contrary, a great recommendation of the plan, that it admits of being taken up and applied on a scale of much more comprehensive utility. The society knows, and it affords just cause of felicitation, that all or any one of the States which tolerate slavery, may carry the scheme of colonization into effect, in regard to the slaves within their respective limits, and thus ultimately rid themselves of a universally acknowledged curse. A reference to the results of the several enumerations of the population of the United States will incontestably prove the practicability of its application on the more extensive scale. The slave population of the United States amounted in 1790, to six hundred and ninety-seven thousand six hundred and ninety-seven; in 1800, to eight hundred and ninety-six thousand eight hundred and forty-nine; in 1810, to eleven hundred and ninety-one thousand three hundred and sixty-four; and in 1820, to fifteen hundred and thirty-eight thousand one hundred and twenty-eight. The rate of annual increase, (rejecting fractions, and taking the integer to which they make the nearest approach,) during the first term of ten years, was not quite three per centum per annum, during the second, a little more than three per centum per annum, and during the third, a little less than three per centum. The mean ratio of increase for the whole period of thirty years was very little

more than three per centum per annum. During the first two periods, the native stock was augmented by importations from Africa, in those States which continued to tolerate them, and by the acquisition of Louisiana. Virginia, to her eternal honor, abolished the abominable traffic among the earliest acts of her self-government. The last term alone presents the natural increase of the capital, unaffected by any extraneous causes. That authorizes, as a safe assumption, that the future increase will not exceed three per centum per annum. As our population increases, the value of slave labor will diminish, in consequence of the superior advantages in the employment of free labor. And when the value of slave labor shall be materially lessened, either by the multiplication of the supply of slaves beyond the demand, or by the competition between slave and free labor, the annual increase of slaves will be reduced, in consequence of the abatement of the motives to provide for and rear the offspring.

Assuming the future increase to be at the rate of three per centum per annum, the annual addition to the number of slaves in the United States, calculated upon the return of the last census (one million five hundred and thirty-eight thousand one hundred and twenty-eight) is forty-six thousand. Applying the data which have been already stated and explained, in relation to the colonization of free persons of color from the United States to Africa, to the aggregate annual increase, both bond and free, of the African race, and the result will be found most encouraging. The total number of the annual increase of both descriptions is fifty-two thousand. The total expense of transporting that number to Africa, supposing no reduction of present prices, would be one million and forty thousand dollars, and the requisite amount of tonnage would be only one hundred and thirty thousand tons of shipping, about one-ninth part of the mercantile marine of the United States. Upon the supposition of a vessel's making two voyages in the year, it would be reduced to one-half, sixty-five thousand. And this quantity would be still further reduced, by embracing opportunities of incidental employment of vessels belonging both to the mercantile and military marines.

But is the annual application of one million and forty thousand dollars, and the employment of sixty-five or even one hundred and thirty thousand tons of shipping, considering the magnitude of the object, beyond the ability of this country? Is there a patriot look-



ing forward to its domestic quiet, its happiness, and its glory, that would not cheerfully contribute his proportion of the burden to accomplish a purpose so great and so humane? During the general continuance of the African slave trade, hundreds of thousands of slaves have been, in a single year, imported into the several countries whose laws authorized their admission. Notwithstanding the vigilance of the powers now engaged to suppress the slave trade, I have received information, that in a single year, in the single island of Cuba, slaves equal in amount to one half of the above number of fifty-two thousand, have been illicitly introduced. Is it possible that those who are concerned in an infamous traffic can effect more than the States of this Union, if they were seriously to engage in the good work? Is it credible—is it not a libel upon human nature to suppose, that the triumphs of fraud, and violence, and iniquity, can surpass those of virtue, and benevolence, and humanity?

The population of the United States being, at this time, estimated at about ten millions of the European race, and two of the African, on the supposition of the annual colonization of a number of the latter equal to the annual increase of both of its classes during the whole period necessary to the process of duplication of our numbers, they would, at the end of that period, relatively stand twenty millions for the white, and two for the black portion. But an annual exportation of a number equal to the annual increase, at the beginning of the term, and persevered in to the end of it, would accomplish more than to keep the parent stock stationary. The colonists would comprehend more than an equal proportion of those of the prolific ages. Few of those who had passed that age would migrate. So that the annual increase of those left behind, would continue gradually, but, at first, insensibly, to diminish; and by the expiration of the period of duplication, it would be found to have materially abated. But it is not merely the greater relative safety and happiness which would, at the termination of that period, be the condition of the whites. Their ability to give further stimulus to the cause of colonization will have been doubled, whilst the subjects on which it would have to operate will have decreased or remained stationary. If the business of colonization should be regularly continued during two periods of duplication, at the end of the second, the whites would stand to the blacks, as forty millions to not more than two, whilst the same ability will have been quadrupled. Even if colonization should then altogether

cease, the proportion of the African to the European race will be so small that the most timid may then for ever dismiss all ideas of danger from within or without, on account of that incongruous and perilous element in our population.

Further ; by the annual withdrawal of fifty-two thousand persons of color, there would be annual space created for an equal number of the white race. The period, therefore, of the duplication of the whites, by the laws which govern population, would be accelerated.

Such, Mr. Vice-President, is the project of the Society ; and such is the extension and use which may be made of the principle of colonization, in application to our slave population, by those States which are alone competent to undertake and execute it. All, or any one of the States which tolerate slavery may adopt and execute it, by co-operation or separate exertion. If I could be instrumental in eradicating this deepest stain upon the character of our country, and removing all cause of reproach on account of it, by foreign nations—If I could only be instrumental in ridding of this foul blot that revered State that gave me birth, or that not less beloved State which kindly adopted me as her son, I would not exchange the proud satisfaction which I should enjoy for the honor of all the triumphs ever decreed to the most successful conqueror.

Having, I hope, shown that the plan of the Society is not visionary, but rational and practicable ; that a colony does in fact exist, planted under its auspices ; that free people are willing and anxious to go ; and that the right of soil as well as of sovereignty may be acquired in vast tracts of country in Africa, abundantly sufficient for all the purposes of the most ample colony, and at prices almost only nominal, the task which remains to me of showing the beneficial consequences which would attend the execution of the scheme, is comparatively easy.

Of the utility of a total separation of the two incongruous portions of our population, supposing it to be practicable, none have ever doubted. The mode of accomplishing that most desirable object, has alone divided public opinion. Colonization in Hayti for a time had its partisans. Withoutthrowing any impediments in the way of executing that scheme, the American Colonization Society has steadily

adhered to its own. The Haytien project has passed away. Colonization beyond the Stony Mountains has sometimes been proposed; but it would be attended with an expense and difficulties far surpassing the African project, whilst it would not unite the same animating motives. There is a moral fitness in the idea of returning to Africa her children, whose ancestors have been torn from her by the ruthless hand of fraud and violence. Transplanted in a foreign land, they will carry back to their native soil the rich fruits of religion, civilization, law, and liberty. May it not be one of the great designs of the Ruler of the universe, (whose ways are often inscrutable by short-sighted mortals,) thus to transform an original crime into a signal blessing, to that most unfortunate portion of the globe. Of all classes of our population, the most vicious is that of the free colored. It is the inevitable result of their moral, political, and civil degradation. Contaminated themselves, they extend their vices to all around them, to the slaves and to the whites. If the principle of colonization should be confined to them; if a colony can be firmly established, and successfully continued in Africa which should draw off annually an amount of that portion of our population equal to its annual increase, much good will be done. If the principle be adopted and applied by the States, whose laws sanction the existence of slavery to an extent equal to the annual increase of slaves, still greater good will be done. This good will be felt by the Africans who go, by the Africans who remain, by the white population of our country, by Africa, and by America. It is a project which recommends itself to favor in all the aspects in which it can be contemplated. It will do good in every and any extent in which it may be executed. It is a circle of philanthropy, every segment of which tells and testifies to the beneficence of the whole.

Every emigrant to Africa is a missionary carrying with him credentials in the holy cause of civilization, religion, and free institutions. Why is it that the degree of success of missionary exertions is so limited, and so discouraging to those whose piety and benevolence prompt them? Is it not because the missionary is generally an alien and a stranger, perhaps of a different color, and from a different tribe? There is a sort of instinctive feeling of jealousy and distrust towards foreigners, which repels and rejects them in all countries; and this feeling is in proportion to the degree of ignorance and barbarism which prevail. But the African colonists, whom we send to

convert the heathen are of the same color, the same family, the same physical constitution. When the purposes of the colony shall be fully understood, they will be received as long lost brethren restored to the embraces of their friends and their kindred by the dispensations of a wise Providence.

The society is reproached for agitating this question. It should be recollected that the existence of free people of color is not limited to the States only which tolerate slavery. The evil extends itself to all the States; and some of those which do not allow of slavery, their cities especially, experience the evil in an extent even greater than it exists in the slave States. A common evil confers a right to consider and apply a common remedy. Nor is it a valid objection that this remedy is partial in its operation or distant in its efficacy.

A patient, writhing under the tortures of excruciating disease, asks of his physician to cure him if he can, and, if he cannot, to mitigate his sufferings. But the remedy proposed, if generally adopted, and perseveringly applied, for a sufficient length of time, should it not entirely eradicate the disease, will enable the body politic to bear it without danger and without suffering.

We are reproached with doing mischief by the agitation of this question. The society goes into no household to disturb its domestic tranquillity; it addresses itself to no slaves to weaken their obligations of obedience. It seeks to affect no man's property. It neither has the power nor the will to affect the property of any one contrary to his consent. The execution of its scheme would augment instead of diminishing the value of the property left behind. The society, composed of free men, concerns itself only with the free. Collateral consequences we are not responsible for. It is not this society which has produced the great moral revolution which the age exhibits. What would they, who thus reproach us, have done? If they would repress all tendencies towards liberty and ultimate emancipation, they must do more than put down the benevolent efforts of this society. They must go back to the era of our liberty and independence, and muzzle the cannon which thunders its annual joyous return. They must revive the slave trade, with all its train of atrocities. They must suppress the workings of British philanthropy, seeking to meliorate the condition of the unfortunate West Indian slaves. They

must arrest the career of South American deliverance from thralldom. They must blow out the moral lights around us, and extinguish that greatest torch of all which America presents to a benighted world—pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will be yet incomplete. They must penetrate the human soul, and eradicate the light of reason and the love of liberty. Then, and not till then, when universal darkness and despair prevail, can you perpetuate slavery, and repress all sympathies, and all humane and benevolent efforts among freemen, in behalf of the unhappy portion of our race doomed to bondage.

Our friends, who are cursed with this greatest of human evils, deserve the kindest attention and consideration. Their property and their safety are both involved. But the liberal and candid among them will not, cannot, expect that every project to deliver our country from it is to be crushed because of a possible and ideal danger.

Animated by the encouragement of the past, let us proceed under the cheering prospects which lie before us. Let us continue to appeal to the pious, the liberal, and the wise. Let us bear in mind the condition of our forefathers, when, collected on the beach of England, they embarked, amidst the scoffings and the false predictions of the assembled multitude, for this distant land ; and here, in spite of all the perils of forest and ocean, which they encountered, successfully laid the foundations of this glorious republic. Undismayed by the prophecies of the presumptuous, let us supplicate the aid of the American representatives of the people, and redoubling our labors, and invoking the blessings of an all-wise Providence, I boldly and confidently anticipate success. I hope the resolution which I offer will be unanimously adopted.



## ON THE CHARGE OF CORRUPTION.

AT LEXINGTON, KENTUCKY, JULY 12, 1827.

[Mr. CLAY visited Kentucky in 1827, while Secretary of State under Mr. Adams, and was received by large gatherings of his former constituents and fellow-citizens, who insisted on meeting him around the festive board. At Paris, Bourbon County, in Woodford County, and at Lexington, he met and addressed large assemblages of the People. At the latter place, the following toast was given :

" *Our Distinguished Guest, HENRY CLAY*—The furnace of persecution may be heated seven times hotter, and seventy times more he will come out unscathed by the fire of malignity, brighter to all and dearer to his friends ; while his enemies shall sink with the dross of their own vile materials."

Mr. CLAY, after the above toast had been drunk, addressed the company as follows:]

MR. PRESIDENT, FRIENDS, AND FELLOW-CITIZENS :—I beg permission to offer my hearty thanks, and to make my respectful acknowledgments, for the affectionate reception which has been given me during my present visit to my old Congressional District, and for this hospitable and honorable testimony of your esteem and confidence. And I thank you especially for the friendly sentiments and feelings expressed in the toast which you have just done me the honor to drink. I always had the happiness of knowing that I enjoyed, in a high degree, the attachment of that portion of my fellow-citizens whom I formerly represented ; but I should never have been sensible of the strength and ardor of their affection, except for the extraordinary character of the times. For near two years and a half I have been assailed with a rancor and bitterness which have few examples. I have found myself the particular object of concerted and concentrated abuse ; and others, thrusting themselves between you and me, have dared to arraign me for treachery to your interests. But my former constituents, unaffected by the

calumnies which have been so perseveringly circulated to my prejudice, have stood by me with a generous confidence and a noble magnanimity. The measure of their regard and confidence has risen with, and even surpassed, that of the malevolence, great as it is, of my personal and political foes. I thank you, gentlemen, who are a large portion of my late constituents. I thank you, and every one of them, with all my heart, for the manly support which I have uniformly received. It has cheered and consoled me, amidst all my severe trials; and may I not add, that it is honorable to the generous hearts and enlightened heads who have resolved to protect the character of an old friend and faithful servant?

The numerous manifestations of your confidence and attachment will be among the latest and most treasured recollections of my life. They impose upon me obligations which can never be weakened or cancelled. One of these obligations is, that I should embrace every fair opportunity to vindicate that character which you have so generously sustained, and to evince to you and to the world, that you have not yielded to the impulses of a blind and enthusiastic sentiment. I feel that I am, on all fit occasions, especially bound to vindicate myself to my former constituents. It was as *their* representative, it was in fulfilment of a high trust which *they* confided to me, that I have been accused of violating the most sacred of duties—of treating their wishes with contempt, and their interests with treachery. Nor is this obligation, in my conception of its import, at all weakened by the dissolution of the relations which heretofore existed between us. I would instantly resign the place I hold in the councils of the nation, and directly appeal to the suffrages of my late constituents, as a candidate for re-election, if I did know that my foes are of that class whom one rising from the dead cannot convince, whom nothing can silence, and who wage a war of extermination. On the issue of such an appeal, they would redouble their abuse of you and of me, for their hatred is common to us both.

They have compelled me so often to be the theme of my addresses to the people, that I should have willingly abstained, on this festive occasion, from any allusion to this subject, but for a new and imposing form which the calumny against me has recently assumed. I am again put on my defence, not of any new charge, nor by any new adversary; but of the old charges, clad in a new dress, and exhibited

by an open and undisguised enemy. The fictitious names have been stricken from the foot of the indictment, and that of a known and substantial prosecutor has been voluntarily offered. Undaunted by the formidable name of that prosecutor, I will avail myself, with your indulgence, of this fit opportunity of free and unreserved intercourse with you, as a large number of my late constituents, to make some observations on the past and present state of the question. When evidence shall be produced, as I have now a clear right to demand, in support of the accusation, it will be the proper time for me to take such notice of it as its nature shall require.

In February, 1825, it was my duty, as the representative of this district, to vote for some one of the three candidates for the Presidency, who were returned to the House of Representatives. It has been established, and can be further proved, that, before I left this state the preceding fall, I communicated to several gentlemen of the highest respectability, my fixed determination not to vote for General Jackson. The friends of Mr. Crawford asserted to the last, that the condition of his health was such as to enable him to administer the duties of the office. I thought otherwise, after I reached Washington city, and visited him to satisfy myself; and thought that physical impediment, if there were no other objections, ought to prevent his election. Although the delegations from four States voted for him, and his pretensions were zealously pressed to the very last moment, it has been of late asserted, and I believe by some of the very persons who then warmly espoused his cause, that his incompetency was so palpable as clearly to limit the choice to two of the three returned candidates. In my view of my duty, there was no alternative but that which I embraced. That I had some objections to Mr. Adams, I am ready freely to admit; but these did not weigh a feather in comparison with the greater and insurmountable objections, long and deliberately entertained against his competitor. I take this occasion, with great satisfaction, to state, that my objections to Mr. Adams arose chiefly from apprehensions which have not been realized. I have found him at the head of the government, able, enlightened, patient of investigation, and ever ready to receive with respect, and, when approved by his judgment, to act upon the counsels of his official advisers. I add, with unmixed pleasure, that, from the commencement of the government, with the exception of Mr. Jefferson's administration, no chief magistrate has found the members of his cabi-

met so united on all public measures, and so cordial and friendly in all their intercourse, private and official, as these are of the present President.

Had I voted for General Jackson, in opposition to the well-known opinions which I entertained of him, one-tenth part of the ingenuity and zeal which have been employed to excite prejudices against me, would have held me up to universal contempt; and what would have been worse, *I* should have *felt* that I really deserved it.

Before the election, an attempt was made by an abusive letter, published in the *Columbian Observer*, at Philadelphia, a paper which, as has since transpired, was sustained by Mr. Senator Eaton, the colleague, the friend, and the biographer of General Jackson, to assail my motives, and to deter me in the exercise of my duty. This letter being avowed by Mr. George Kremer, I instantly demanded from the House of Representatives an investigation. A committee was accordingly, on the 5th day of February, 1825, appointed in the rare mode of balloting by the House, instead of by selection of the Speaker. It was composed of some of the leading members of that body, not one of whom was my political friend in the preceding Presidential canvass. Although Mr. Kremer, in addressing the House, had declared his willingness to bring forward his proofs, and his readiness to abide the issue of the inquiry, his fears, or other counsels than his own, prevailed upon him to take refuge in a miserable subterfuge. Of all possible periods, that was the most fitting to substantiate the charge, if it was true. Every circumstance was then fresh; the witnesses all living and present; the election not yet complete; and therefore the imputed corrupt bargain not fulfilled. All these powerful considerations had no weight with the conspirators and their accessaries, and they meanly shrunk from even an attempt to prove their charge, for the best of all possible reasons—because, being false and fabricated, they could adduce no proof which was not false and fabricated.

During two years and a half, which have now intervened, a portion of the press devoted to the cause of General Jackson has been teeming with the vilest calumnies against me, and the charge, under every chameleon form, has been a thousand times repeated. Up to

this time, I have in vain invited investigation, and demanded evidence. None, not a particle, has been adduced.

The extraordinary ground has been taken, that the accusers were not bound to establish by proof the guilt of their designated victim. In a civilized, Christian, and free community, the monstrous principle has been assumed, that accusation and conviction are synonymous; and that the persons who deliberately bring forward an atrocious charge are exempted from all obligations to substantiate it! And the pretext is, that the crime, being of a political nature, is shrouded in darkness, and incapable of being substantiated. But is there any real difference, in this respect, between political and other offences? Do not all the perpetrators of crime endeavor to conceal their guilt and to elude detection? If the accuser of a political offence is absolved from the duty of supporting his accusation, every other accuser of offence stands equally absolved. Such a principle, practically carried into society, would subvert all harmony, peace, and tranquillity. None—no age, nor sex, nor profession, nor calling, would be safe against its baleful and overwhelming influence. It would amount to a universal license to universal calumny!

No one has ever contended that the proof should be exclusively that of eye-witnesses, testifying from their senses positively and directly to the fact. Political, like other offences, may be established by circumstantial as well as positive evidence. But I do contend, that *some* evidence, be it what it may, ought to be exhibited. If there be none, how do the accusers know that an offence has been perpetrated? If they do know it, let us have the *fact* on which their conviction is based. I will not even assert, that, in public affairs, a citizen has not a right freely to express his *opinions* of public men, and to speculate upon the motives of their conduct. But if he chooses to promulgate opinions, let them be given as *opinions*. The public will correctly judge of their value and their grounds. No one has a right to put forth a positive assertion, that a political offence has been committed, unless he stands prepared to sustain, by satisfactory proof of some kind, its actual existence.

If he who exhibits a charge of political crime is, from its very nature, disabled to establish it, how much more difficult is the condition



of the accused? How can he exhibit negative proof of his innocence, if no affirmative proof of his guilt is, or can be adduced?

It must have been a conviction that the justice of the public required a definite charge, by a responsible accuser, that has, at last, extorted from General Jackson his letter of the 6th of June, lately published. I approach that letter with great reluctance, not on my own account, for on that, I do most heartily and sincerely rejoice that it has made its appearance. But it is reluctance, excited by the feelings of respect which I would anxiously have cultivated towards its author. He has, however, by that letter, created such relations between us, that, in any language which I may employ, in examining its contents, I feel myself bound by no other obligations than those which belong to truth, to public decorum, and to myself.

The first consideration which must, on the perusal of the letter, force itself upon every reflecting mind, is that which arises out of the delicate posture in which Gen. Jackson stands before the American public. He is a candidate for the Presidency, avowed and proclaimed. He has no competitor at present, and there is no probability of his having any, but one. The charges which he has allowed himself to be the organ of communicating to the very public who is to decide the question of the Presidency, though directly aimed at me, necessarily implicate his only competitor. Mr. Adams and myself are both guilty, or we are both innocent of the imputed arrangement between us. *His* innocence is absolutely irreconcilable with *my* guilt. If General Jackson, therefore, can establish my guilt, and, by inference, or by insinuation, that of his sole rival, he will have removed a great obstacle to the consummation of the object of his ambition. And if he can, at the same time, make out his own purity of conduct, and impress the American people with the belief that his purity and integrity alone prevented his success before the House of Representatives, his claims will become absolutely irresistible. Were there ever more powerful motives to propagate—was there ever greater interest, at all hazards, to prove the truth of charges?

I state the case, I hope, fairly; I mean to state it fairly and fearlessly. If the position be one which exposes General Jackson to unfavorable suspicions, it must be borne in mind that he has voluntarily taken it, and he must abide the consequences. I am acting on the

defensive, and it is he who assails me, and who has called forth, by the eternal laws of self-protection, the right to use all legitimate means of self-defence.

General Jackson has shown in his letter, that he is not exempt from the influence of that bias towards one's own interests, which is unfortunately the too common lot of human nature. It is *his* interest to make out that he is a person of spotless innocence, and of unsullied integrity; and to establish, by direct charge, or by necessary inference, the want of those qualities in his rival. Accordingly, we find, throughout the letter, a labored attempt to set forth his own immaculate purity in striking contrast with the corruption which is attributed to others. We would imagine from his letter, that he very seldom touches a newspaper. The Telegraph is mailed regularly for him at Washington, but it arrives at the Hermitage very irregularly. He would have the public to infer, that the postmaster at Nashville, whose appointment happened not to be upon his recommendation, obstructed his reception of it. In consequence of his not receiving the Telegraph, he had not on the 6th June, 1827, seen Carter Beverley's famous Fayetteville letter, dated the 8th of the preceding March, published in numerous Gazettes, and published, I have very little doubt, although I have not the means of ascertaining the fact, in the Gazettes of Nashville. I will not say, contrary to Gen. Jackson's assertion, that he had never read that letter, when he wrote that of the 6th of June, but I must think that it is very strange that he should not have seen it; and I doubt whether there is another man of any political eminence in the United States who has not read it. There is a remarkable coincidence between General Jackson and certain editors who espouse his interest; in relation to Mr. Beverley's letter. They very early took the ground, in respect to it, that I ought, under my *own signature*, to come out and deny the statements. And General Jackson now says, in his letter of the 6th of June, that he "always intended, should Mr. Clay come out over his own signature, and deny having any knowledge of the communication made by his friends to my friends and to me, that I would give him the name of the gentleman through whom that communication came."

The distinguished member of Congress who bore the alleged overture, according to General Jackson, presented himself with diplomatic circumspection, lest he should wound the very great sensibility

of the General. He avers that the communication was intended with the most friendly motives, "that he came as a friend," and that he hoped, however it might be received, there would be no alteration in the friendly feelings between them. The General graciously condescends to receive the communication, and, in consideration of the high standing of the distinguished member, and of his having always been a professed friend, he is promised impunity, and assured that there shall be no change of amicable ties. After all these necessary preliminaries are arranged between the high negotiating powers, the envoy proceeds: "he had been informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them, saying if Mr. Clay and his friends would unite in aid of the election of Mr. Adams, Mr. Clay should be Secretary of State; that the friends of Mr. Adams were urging, as a reason to induce the friends of Mr. Clay to accede to their proposition, that if I was elected President, Mr. Adams would be continued Secretary of State, (inuendo, there would be no room for Kentucky.)" [Is this General Jackson's inuendo, or that of the distinguished member of Congress?] "That the friends of Mr. Clay stated the West does not want to separate from the West, and if I would say, or permit any of my confidential friends to say that, in case I was elected President, Mr. Adams should not be continued Secretary of State, by a complete union of Mr. Clay and his friends, they would put an end to the presidential contest in one hour; and he was of opinion it was right to fight such intriguers with their own weapons." To which the General states himself to have replied in substance, "that in politics, as in every thing else, my guide was principle, and contrary to the expressed and unbiased will of the people or their constituted agents, I never would step into the Presidential Chair; and requested him to say to Mr. Clay and his friends, (for I did *suppose* he had come from Mr. Clay, *although he used the terms Mr. Clay's friends,*) that before I would reach the Presidential Chair by such means of bargain and corruption, I would see the earth open and swallow both Mr. Clay and his friends and myself with them." Now all these professions are very fine, and display admirable purity. But its sublimity would be somewhat more impressive, if some person other than General Jackson had proclaimed it. He would go into the Presidential Chair, but never, no! never, contrary to "the expressed and unbiased will of the people, or their constituted agents:" two modes of arriving at it the more reasonable, as there happens to be no other constituted way. He would see "the

earth open and swallow both Mr. Clay and his friends and myself," before he would reach the Presidential Chair by "such means of bargain and corruption." I hope General Jackson did not intend that the whole human race should be also swallowed up, on the contingency he has stated, or that they were to guarantee that he has an absolute repugnance to the employment of any exceptionable means to secure his elevation to the Presidency. If he had rendered the distinguished member of Congress a little more distinguished, by instantly ordering him from his presence, and by forthwith denouncing him and the infamous propositions which he bore, to the American public, we should be a little better prepared to admit the claims to untarnished integrity, which the General so modestly puts forward. But, according to his own account, a corrupt and scandalous proposal is made to him; the person who conveyed it, advises him to accept it, and yet that person still retains the friendship of General Jackson, who is so tender of his character that his name is carefully concealed and reserved to be hereafter brought forward as a witness! A man, who, if he be a member of the House of Representatives, is doubly infamous—infamous for the advice which he gave, and infamous for his willingness to connive at the corruption of the body of which he is a sworn member—is the credible witness by whom General Jackson stands ready to establish the corruption of men, whose characters are never questioned!

Of all the properties which belong to honorable men, not one is so highly prized as that of character. Gen. Jackson cannot be insensible to its value, for he appears to be most anxious to set forth the loftiness and purity of his own. How has he treated mine? During the dispensation of the hospitalities of the Hermitage, in the midst of a mixed company of individuals from various States, he permits himself to make certain statements respecting my friends and me, which, if true, would forever dishonor and degrade us. The words are hardly passed from his mouth, before they are committed to paper, by one of his guests, and transmitted in the form of a letter to another State, when they are published in a newspaper, and thence circulated throughout the union. And now he pretends that these statements were made "without any calculation that they were to be thrown into the public journals." Does he reprove the indiscretion of this guest who had violated the sanctity of a conversation at the hospitable board? Far from it. The public is incredulous. It cannot be,

General Jackson would be so wanting in delicacy and decorum. The guest appeals to him for the confirmation of the published statements; and the General promptly addresses a letter to him, in which: "he unequivocally confirms—(says Mr. Carter Beverly,) all I have said regarding the overture made to him pending the last presidential election before Congress; and he asserts a great deal more than he ever told me." I should be glad to know if all the versions of the tale have now made their appearance, and whether General Jackson will alledge, that he did not "calculate" upon the publication of his letter of the 6th of June.

The General states that the unknown envoy used the terms, "Mr. Clay's friends," to the exclusion, therefore, of myself; but he nevertheless inferred that he had come from me. Now, why did he draw this inference contrary to the import of the statement which he received? Does not this disposition to deduce conclusions unfavorable to me, manifest the spirit which actuates him? And does not General Jackson exhibit throughout his letter a desire to give a coloring to the statements of his friend, the distinguished member of Congress, higher than they would justify? No one should ever resort to implication but from necessity. Why did he not ascertain from the envoy if he had come from me? Was any thing more natural than that General Jackson should ascertain the persons who had deputed the envoy? If his shocked sensibility and indignant virtue and patriotism would not allow him to enquire into particulars, ought he to have hazarded the assertion, that I was privy to the proposal, without assuring himself of the fact: could he not, after rejecting the proposal, continuing, as he did, on friendly terms with the organ of it, have satisfied himself if I were conscious of it? If he had not time then, might he not have ascertained the fact from his friend or from me, during the intervening two and a half years? The computations of his own conscience appear for a moment to have visited him towards the conclusion of his letter, for he there does say, "that in the supposition stated, I may have done injustice to Mr. Clay; if so, the gentleman informing me can explain." No good or honorable man will do another voluntarily any injustice. It was not necessary that General Jackson should have done me any. And he cannot acquit himself of the rashness and iniquity of his conduct towards me, by referring at this late day to a person whose name is withheld from the public. This compendious mode of administering justice, by

first hanging and then trying a man, however justifiable it may be, according to the precepts of the Jackson code, is sanctioned by no respectable system of jurisprudence.

It is stated in the letter of the 6th of June, that the overture was made early in January; and that the second day after the communication, it "was announced in the newspapers, that Mr. Clay had come out openly and avowedly in favor of Mr. Adams." The object of this statement is obvious. It is to insinuate that the proposal which was rejected with disdain by General Jackson, was accepted with promptitude by Mr. Adams. This renders the fact as to the time of the alleged annunciation very important. It is to be regretted that General Jackson had not been a little more precise. It was *early* in January that the overture was made, and the *second day* after the annunciation of my intention took place. Now, I will not assert that there may not have been some speculations in the newspapers about that time, (although I do not believe there were any *speculations* so early,) as to the probable vote which I should give; but I should be glad to see any newspaper which the second day after early in January, asserted in its columns, that I had come out "openly and avowedly in favor of Mr. Adams." I challenge the production of such a paper. I do not believe my intention so to vote for Mr. Adams was announced in the newspapers openly and avowedly during the whole month of January, or at any rate until late in that month. The only *avowal* of my intention to vote for him, which was publicly made in the newspapers, prior to the election, is contained in my letter to Judge Brooke, which is dated the 26th of January. It was first published in the Enquirer at Richmond, some time in the ensuing month. I go further; I do not believe any newspaper at Washington can be produced announcing, before the latter part of January, the fact, whether upon my avowal or not, of my intention to vote for Mr. Adams. General Jackson's memory must deceive him. He must have confounded events and circumstances. His friend, Mr. George Kremer, in his letter to the Columbian Observer, bearing date the 25th of January, has, according to my recollection of the public prints, a claim to the merit of being the first, or among the first, to announce to the public my intended vote. That letter was first published at Philadelphia, and returned in the Columbian Observer to Washington city, on the 31st of January. How long before its date that letter was written for Mr. Kremer, does not appear



Whether there be any connexion made by the distinguished Member of Congress, and that letter, perhaps General Jackson can explain.

At the end of more than two years after a corrupt overture has been made to General Jackson, he now, for the first time, openly proclaims it. It is true, as I have ascertained since the publication of Mr. Beverley's Fayetteville letter, the General has been for a long time secretly circulating the charge. Immediately on the appearance at Washington of that letter in the public prints, the editor of the Telegraph asserted, in his paper, that General Jackson had communicated the overture to him about the period of the election, not as he now states, but according to Mr. Beverley's version of the tale. Since I left Washington, on the 10th of last month, I have understood that General Jackson has made a similar communication to several other persons at different and distant points. Why has the overture been thus clandestinely circulated? Was it that through the medium of the Telegraph, the leading paper supporting the interest of General Jackson, and through his other depositories, the belief of the charge should be duly and gradually infused into the public mind, and thus contribute to the support of his cause? The zeal and industry with which it has been propagated, the daily columns of certain newspapers can testify. Finding the public still unconvinced, has the General found it to be necessary to come out in proper person, through the thin veil of Mr. Carter Beverly's agency?

When the alleged overture was made, the election remained undecided. Why did not General Jackson then hold up to universal scorn and indignation the infamous bearer of the proposal, and those who dared to insult his honor, and tamper with his integrity? If he had at that time denounced all the infamous parties concerned, demanded an inquiry in the House of Representatives, and established by satisfactory proof the truth of his accusation, there might and probably would have been a different result to the election. Why, when at my instance, a Committee was on the fifth day of February, 1825, (only four days before the election,) appointed to investigate the charges of Mr. Kremer, did not General Jackson present himself and establish their truth? Why, on the seventh of that month, two days before the election, when the Committee reported that Mr. Kremer declined to come forward, and that "if they knew of any reason for such investigation, they would have asked to be clothed with the

proper power, but not having themselves any such knowledge, they have felt it to be their duty only to lay before the House the communication which they have received ;" why did not General Jackson authorize a motion to recommit the report, and manfully come forward with all his information ? The Congress of the nation is in session. An important election has devolved on it. All eyes are turned towards Washington. The result is awaited with intense anxiety and breathless expectation. A corrupt proposition, affecting the election, is made to one of the candidates. He receives it, is advised to accept it, deliberates, decides upon it. A committee is in session to investigate the very charge. The candidate, notwithstanding, remains profoundly silent, and, after the lapse of more than two years, when the period of another election is rapidly approaching, in which he is the only competitor for the office, for the first time, announces it to the American public ! They must have more than an ordinary share of credulity who do not believe that General Jackson labors under some extraordinary delusion.

It is possible that he may urge by way of excuse for what must be deemed his culpable concealment of meditated corruption, that he did not like to volunteer as a witness before the committee, or to transmit to it the name of his friend, the distinguished member of the House of Representatives, although it is not very easy to discern any just reason for his volunteering now, which would not have applied with more force at that time. But what apology can be made for his failure to discharge his sacred duty as an American Senator ? More than two months after the alleged overture, my nomination to the office which I now hold, was made to the Senate of the United States, of which General Jackson was then a sworn member. On that nomination he had to deliberate and to act in the most solemn manner. If I were privy to a corrupt proposal to General Jackson, touching the recent election ; if I had entered into a corrupt bargain with Mr. Adams to secure his elevation, I was unworthy of the office to which I was nominated ; and it was the duty of General Jackson, if he really possessed the information which he now puts forward, to have moved the Senate to appoint a committee of inquiry, and by establishing my guilt, to have preserved the national councils from an abominable contamination. As the conspiracy of George Kremer & Co. had a short time before meanly shrunk from appearing before the committee of the House of Representatives, to make good their charges, I request-

ed a Senator of the United States, when my nomination should be taken up, to ask of the Senate the appointment of a committee of inquiry, unless it should appear to him to be altogether unnecessary. One of our Senators was compelled by the urgency of his private business to leave Washington before my nomination was disposed of; and as I had but little confidence in the fidelity and professed friendship of the other, I was constrained to present my application to a Senator from another State. I was afterwards informed that when it was acted upon, General Jackson, and every other Senator present, was silent as to the imputation now made; no one presuming to question my honor or integrity. How can General Jackson justify to his conscience or to his country this palpable breach of his public duty? It is in vain to say that he gave a silent negative vote. *He* was in possession of information which, if true, must have occasioned the rejection of my nomination. It does not appear that any other Senator possessed the same information. Investigation was alike due to the purity of the national councils, to me, and, as an act of strict justice, to all the other parties implicated. It is impossible for him to escape from the dilemma that he has been faithless as a Senator of the United States, or has lent himself to the circulation of an atrocious calumny.

After the election General Jackson was among the first who eagerly pressed his congratulations upon his successful rival. If Mr. Adams had been guilty of the employment of impure means to effect his election, General Jackson ought to have disdained to sully his own hands by touching those of his corrupt competitor.

On the 10th of February, 1825, the very next day after the election, General Jackson was invited to a public dinner at Washington, by some of his friends. He expressed to them his wish that he might be excused from accepting the invitation, because, alluding to the recent election, he said, "any evidence of kindness and regard, such as you propose, might, by many, be viewed as conveying with it **EXCEPTION**, murmurings, and feelings of complaint, which I sincerely hope belong to none of my friends." More than one month after the corrupt proposal is pretended to have been received, and after, according to the insinuation of General Jackson, a corrupt arrangement had been made between Mr. Adams and me: after the actual termination of an election, the issue of which was brought about, according to

General Jackson, by the basest means, he was unwilling to accept the honors of a public dinner, lest it should imply even an *exception* against the result of the election.

General Jackson professes in his letter of the 6th of June—I quote again his words, “to have always intended should Mr. Clay come out over his own signature and deny having any knowledge of the communication made by his friends to my friends, and to me, that I would give him the name of the gentleman through whom that communication came.” He pretends never to have seen the Fayetteville letter; and yet the pretext of a denial under *my signature* is precisely that which had been urged by the principal editors who sustain his cause. If this be an unconcerted, it is nevertheless a most wonderful coincidence. The General never communicated to me his professed intention, but left me in entire ignorance of his generous purpose; like the overture itself, it was profoundly concealed from me. There was an authorized denial from me, which went the circle of the public prints, immediately after the arrival at Washington of the Fayetteville letter. In that denial my words are given. They were contained in a letter dated at Washington city on the 18th day of April last, and are correctly stated to have been “that the statement that his (my) friends had made such a proposition as the latter describes to the friends of General Jackson was, as far as he knew or believed, utterly destitute of foundation; that he was unwilling to believe that General Jackson had made any such statement; but that no matter with whom it had originated, he was fully persuaded it was a gross fabrication of the same calumnious character with the Kremer story, put forth for the double purpose of injuring his public character, and propping the cause of General Jackson; and then for himself and for his friends he *defied* the substantiation of the charge before any fair tribunal whatever.” Such were my own words transmitted in the form of a letter from a friend to a *known* person. Whereas the charge which they repelled was contained in a letter written by a person then unknown to some person also unknown. Did I not deny the charge under my own signature in my card of the 31st January, 1825, published in the National Intelligencer? Was not there a substantial denial of it in my letter to Judge Brooke, dated the 28th of the same month? In my circular to my constituents? In my Lewisburg speech? And may I not add, in the whole tenor of my public life and conduct? If General Jackson had offered to furnish me the

name of a member of Congress, who was capable of advising his acceptance of a base and corrupt proposition, ought I to have resorted to his infamous and discredited witness?

It has been a thousand times asserted and repeated, that I violated instructions which I ought to have obeyed. I deny the charge; and I am happy to have this opportunity of denying it in the presence of my assembled constituents. The general assembly requested the Kentucky delegation to vote in a particular way. A majority of that delegation, including myself, voted in opposition to that request. The legislature did not intend to give an *imperative* instruction. The distinction between a request and an instruction was familiar to the legislature, and their rolls attest that the former is always addressed to the members of the House of Representatives, and the latter only to the Senators of the United States.

But I do not rely exclusively on this recognized distinction. I dispute at once the right of the legislature to issue a mandatory instruction to the representatives of the people. Such a right has no foundation in the constitution, in the reason or nature of things, nor in usage of the Kentucky legislature. Its exercise would be a manifest usurpation. The general assembly has the incontrovertible right to express its opinions and to proclaim its wishes on any political subject whatever; and to such an expression great deference and respect are due; but it is not obligatory. The people, when, in August, 1824, they elected members to the general assembly, did not invest them with any power to regulate or control the exercise of the discretion of the Kentucky delegation in the Congress of the United States. I put it to the candor of every elector present, if he intended to part with his own right, or anticipated the exertion of any such power, by the legislature, when he gave his vote in August 1824?

The only instruction which I received from a legitimate source, emanated from a respectable portion of my immediate constituents; and that directed me to exercise my own discretion, regardless of the will of the legislature. You subsequently ratified my vote by unequivocal demonstrations, repeatedly given, of your affectionate attachment and your unshaken confidence. You ratified it two years ago by the election of my personal and political friend (Judge Clarke) to succeed me in the House of Representatives, who had himself sub-

scribed the only legitimate instruction which I received. You ratify it by the presence and the approbation, of this vast and respectable assemblage.

I rejoice again and again, that the contest has at last assumed its present practical form. Heretofore, malignant whispers and dark surmises have been clandestinely circulated, or openly or unblushingly uttered by irresponsible agents. They were borne upon the winds, and like them were invisible and intangible. No responsible man stood forward to sustain them, with his acknowledged authority. They have at last a local habitation and a name. General Jackson has now thrown off the mask and comes confessedly forth from behind his concealed batteries, publicly to accuse and convict me. We stand confronted before the American people. Pronouncing the charges, as I again do, destitute of all foundation, and gross aspersions, whether clandestinely or openly issued from the halls of the capitol, the saloons of the Hermitage, or by press, by pen, or by tongue, and safely resting on my conscious integrity, I demand the witness, and await the event with fearless confidence.

The issue is fairly joined. The imputed offence does not comprehend a single friend, but the collective body of my friends in Congress; and it accuses them of offering, and me with sanctioning corrupt *propositions*, derogating from honor, and in violation of the most sacred of duties. The charge has been made after two years deliberation. General Jackson has voluntarily taken his position, and without provocation. In voting against him as President of the United States, I gave him no just cause of offence. I exercised no more than my indisputable privilege, as, on a subsequent occasion, of which I have never complained, he exercised his in voting against me as Secretary of State. Had I voted for him, I must have gone counter to every fixed principle of my public life. I believed him incompetent, and his election fraught with danger. At this early period of the Republic, keeping steadily in view the dangers which had overturned every other Free State, I believed it to be essential to the lasting preservation of our liberties, that a man, devoid of civil talents, and offering no recommendation but one founded on military service, should not be selected to administer the government: I believe so yet; and I shall consider the days of the Commonwealth numbered when an opposite principle is established. I believed, and still be-



lieve, that now, when our institutions are in comparative infancy, is the time to establish the great principle, that military qualification alone is not a sufficient title to the Presidency. If we start right, we may run a long race of liberty, happiness, and glory. If we stumble in setting out, we shall fall as others have fallen before us, and fall without even a claim to the regrets or sympathies of mankind.

I have never done General Jackson, knowingly, any injustice. I have taken pleasure, on every proper occasion, to bestow on him merited praise for the glorious issue of the battle of New Orleans. No American citizen enjoyed higher satisfaction than I did with the event. I heard it for the first time on the boulevards of Paris; and I eagerly perused the details of the actions, with the anxious hope that I should find that the gallant militia of my own State had avenged, on the banks of the Mississippi, the blood which they had so freely spilt on the disastrous field of Raisin. That hope was not then gratified; and although I had the mortification to read in the official statement, that they ingloriously fled, I was nevertheless thankful for the success of the arms of my country, and felt grateful to him who had most contributed to the ever memorable victory. This concession is not now made for the purpose of conciliating the favor or mitigating the wrath of General Jackson. He has erected an impassable barrier between us, and I would scorn to accept any favor at his hands. I thank my God that He has endowed me with a soul incapable of apprehensions from the anger of any being but himself.

I have as your Representative, freely examined, and in my deliberate judgment, justly condemned the conduct of General Jackson in some of our Indian wars. I believed, and yet believe him, to have trampled upon the constitution of his country, and to have violated the principles of humanity. Entertaining these opinions, I did not and could not vote for him.

I owe you, my friends and fellow-citizens, many apologies for this long interruption of the festivities of the day. I hope that my desire to vindicate their honored object, and to satisfy you that he is not altogether unworthy of them, will be deemed sufficient.

## ON RETIRING FROM OFFICE.

AT WASHINGTON, MARCH 7, 1829.

[AFTER the triumphant election of General JACKSON as President in 1828, and his imposing Inauguration to that office, March 4th, 1829, a number of the friends of Mr: CLAY, (who had resigned the post of Secretary of State the day before that Inauguration, and was preparing to return to his Western home) insisted that he should meet them around the festive board prior to his departure. To this request he acceded. The fifth toast was:

"Health, prosperity, and happiness to our highly valued and esteemed guest and fellow-citizen, HENRY CLAY. Whatever the future destination of his life, he has done enough for honor, and need desire no higher reward than the deep seated affection and respect of his friends and his country."

This having been received with profound enthusiastic feeling, Mr. CLAY arose and addressed the company as follows:]

In rising, Mr. President, to offer my respectful acknowledgements for the honors of which I am here the object, I must ask the indulgence of yourself and the other gentlemen now assembled, for an unaffected embarrassment, which is more sensibly felt than it can be distinctly expressed. This city has been the theatre of the greater portion of my public life. You, and others whom I now see, have been spectators of my public course and conduct. You and they are, if I may borrow a technical expression from an honorable profession, of which you and I are both members, jurors of the vicinage. To a judgment rendered by those who have thus long known me, and by others though not of the panel; who have possessed equal opportunities of forming correct opinions, I most cheerfully submit. If the weight of human testimony should be estimated by the intelligence and respectability of the witness, and the extent of his knowledge of the matter on which he testifies, the highest consideration is due to that which has been this day spontaneously given. I shall ever

cherish it with the most grateful recollection, and look back upon it with proud satisfaction.

I should be glad to feel that I could with any propriety abstain from any allusion at this time and at this place, to public affairs. But considering the occasion which has brought us together, the events which have preceded it, and the influence which they may exert upon the destinies of our country, my silence might be misinterpreted, and I think it therefore proper that I should embrace this first public opportunity which I have had of saying a few words, since the termination of the late memorable and embittered contest. It is far from my wish to continue or to revive the agitation with which that contest was attended. It is ended, for good or for evil. The nation wants repose. A majority of the people has decided, and from their decision there can and ought to be no appeal. Bowing, as I do, with profound respect to them, and to this exercise of their sovereign authority, I may nevertheless be allowed to retain and to express my own unchanged sentiments, even if they should not be in perfect coincidence with theirs. It is a source of high gratification to me to believe that I share these sentiments in common with more than half a million of freemen, possessing a degree of virtue, of intelligence, of religion, and of genuine patriotism, which, without disparagement to others, is unsurpassed, in the same number of men in this or any other country, in this or any other age.

I deprecated the election of the present President of the United States, because I believed he had neither the temper, the experience, nor the attainments requisite to discharge the complicated and arduous duties of chief magistrate. I deprecated it still more, because his elevation, I believed, would be the result exclusively of admiration and gratitude for military service, without regard to indispensable civil qualifications. I can neither retract, nor alter, nor modify any opinion which, on these subjects, I have at any time heretofore expressed. I thought I beheld in his election an awful foreboding of the fate which, at some future (I pray to God that, if it ever arrive, it may be some far distant) day was to befall this infant republic. All past history has impressed on my mind this solemn apprehension. Nor is it effaced or weakened by contemporaneous events passing upon our own favored continent. It is remarkable that, at this epoch, at the head of eight of the nine independent governments

established in both Americas, military officers have been placed, or have placed themselves. General Lavalle has, by military force, subverted the republic of La Plata. General Santa Cruz is the chief magistrate of Bolivia; Colonel Pinto of Chili; General Lamar of Peru, and General Bolivar of Colombia. Central America, rent in pieces, and bleeding at every pore from wounds inflicted by contending military factions, is under the alternate sway of their chiefs. In the government of our nearest neighbor, an election, conducted according to all the requirements of their constitution, has terminated with a majority of the States in favor of Pedrazza, the civil candidate. An insurrection was raised in behalf of his military rival; the cry, not exactly of a bargain, but of corruption, was sounded; the election was annulled, and a reform effected by proclaiming General Guerrero, having only a minority of the States, duly elected President. The thunders from the surrounding forts, and the acclamations of the assembled multitude, on the fourth, told us what general was at the head of our affairs. It is true, and in this respect we are happier than some of the American States, that his election has not been brought about by military violence. The forms of the constitution have yet remained inviolate.

In re-asserting the opinions which I hold, nothing is further from my purpose than to treat with the slightest disrespect those of my fellow-citizens here or elsewhere, who may entertain opposite sentiments. The fact of claiming and exercising the free and independent expression of the dictates of my own deliberate judgment, affords the strongest guarantee of my full recognition of their corresponding privilege.

A majority of my fellow-citizens, it would seem, do not perceive the dangers which I apprehended from the example. Believing that they are not real, or that we have some security against their effect, which ancient and modern republics have not found, that majority, in the exercise of their incontestible right of suffrage, have chosen for chief magistrate a citizen who brings into that high trust no qualification other than military triumphs.

That citizen has done much injustice—wanton, unprovoked, and unatoned injustice. It was inflicted, as I must ever believe, for the double purpose of gratifying private resentment and promoting per-

sonal ambition. When, during the late canvas, he came forward in the public prints under his proper name, with his charge against me, and summoned before the public tribunal his friend and his only witness to establish it, the anxious attention of the whole American people was directed to the testimony which that witness might render. He promptly obeyed the call and testified to what he knew. He could say nothing, and he said nothing, which cast the slightest shade upon my honor or integrity. What he did say was the reverse of any implication of me. Then all just and impartial men, and all who had faith in the magnanimity of my accuser, believed that he would voluntarily make a public acknowledgement of his error. How far this reasonable expectation has been fulfilled, let his persevering and stubborn silence attest. But my relations to that citizen by a recent event are now changed. He is the chief magistrate of my country; invested with large and extensive powers, the administration of which may conduce to its prosperity or occasion its adversity. Patriotism enjoins as a duty, that whilst he is in that exalted station, he should be treated with decorum, and his official acts be judged of in a spirit of candor. Suppressing, as far as I can, a sense of my personal wrong—willing even to forgive him, if his own conscience and our common God can acquit him—and entertaining for the majority which has elected him, and for the office which he fills, all the deference which is due from a private citizen, I most anxiously hope that under his guidance the great interests of our country, foreign and domestic, may be upheld, our free institutions be unimpaired, and the happiness of the nation be continued and increased.

While I am prompted by an ardent devotion to the welfare of my country, sincerely to express this hope, I make no pledges, no promises, no threats, and I must add, I have no confidence. My public life, I trust, furnishes the best guarantee for my faithful adherence to those great principles of external and internal policy, to which it has been hitherto zealously dedicated. Whether I shall ever hereafter take any part in the public councils or not, depends upon circumstances beyond my control. Holding the principle that a citizen, as long as a single pulsation remains, is under an obligation to exert his utmost energies in the service of his country, if necessary, whether in private or public station, my friends here and everywhere may rest assured that, in either condition, I shall stand erect, with a spirit unconquered, whilst life endures, ready to second their

exertions in the cause of liberty, the union, and the national prosperity.

Before I set down I avail myself with pleasure of this opportunity to make my grateful acknowledgments for the courtesies and friendly attentions which I have uniformly experienced from the inhabitants of this city. A free and social intercourse with them, during a period of more than twenty years, is about to terminate, without any recollection on my part of a single painful collision, and without leaving behind me, as far as I know, a solitary personal enemy. If, in the sentiment with which I am about to conclude, I do not give a particular expression to the feelings inspired by the interchange of civilities and friendly offices, I hope the citizens of Washington will be assured that their individual happiness and the growth and prosperity of this city will ever be objects of my fervent wishes. In the sentiment which I shall presently offer, they are indeed comprehended. For the welfare of this city is indissolubly associated with that of our Union, and the preservation of our liberty. I request permission to propose,

LET US NEVER DESPAIR OF THE AMERICAN REPUBLIC.





# A P P E N D I X

TO VOLUME I.

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## ON MANUFACTURES.

IN THE SENATE OF THE UNITED STATES, APRIL 6, 1819.

**MR. PRESIDENT:**—The local interest of the quarter of the country which I have the honor to represent, will apologize for the trouble I may give you on this occasion. My colleague has proposed an amendment to the bill before you, instructing the Secretary of the Navy to provide supplies of cordage, sail-cloth, hemp, &c., and to give a preference to those of American growth and manufacture. It has been moved by the gentleman from Massachusetts (Mr. Lloyd) to strike out this part of the amendment; and in the course of the discussion which has arisen, remarks have been made on the general policy of promoting manufactures. The propriety of this policy is, perhaps, not very intimately connected with the subject before us; but it is, nevertheless, within the legitimate and admissible scope of debate. Under this impression I offer my sentiments

In inculcating the advantages of domestic manufactures, it never entered the head, I presume, of any one, to change the habits of the nation from an agricultural to a manufacturing community. No one, I am persuaded, ever thought of converting the plough-share and the sickle into the spindle and the shuttle. And yet this is the delusive and erroneous view too often taken of the subject. The opponents of the manufacturing system transport themselves to the establishments of Manchester and Birmingham, and dwelling on the indigence, vice, and wretchedness prevailing there, by pushing it to an extreme, argue that its introduction into this country will necessarily be attended by the same mischievous and dreadful consequences. But what is the fact? That England is the manufacturer of a great part of the world; and that, even there, the numbers thus employed bear an inconsiderable proportion to the whole mass of population. Were we to become the manufacturers of other nations, effects of the same kind might result. But, if we limit our efforts, by our own wants, the evils apprehended would be found to be chimerical. The invention and improvement in machinery, for which the present age is so remarkable, dispensing in a great degree with manual labor; and the employment of those persons, who, if we were engaged in the pursuit of agriculture alone, would be either unproductive, or exposed to indolence and immorality, will enable us to supply our wants, without withdrawing our attention from agriculture, that

first and greatest source of national wealth and happiness. A judicious American farmer, in the household way, manufactures whatever is requisite for his family. He squanders but little in the gewgaws of Europe. He presents in epitome what the nation ought to be *in extenso*. Their manufactories should bear the same proportion, and effect the same object in relation to the whole community, which the part of his household employed in domestic manufacturing bears to the whole family. It is certainly desirable that the exports of the country should continue to be the surplus production of tillage, and not become those of manufacturing establishments. But it is important to diminish our imports—to furnish ourselves with clothing, made by our own industry—and to cease to be dependant, for the very coats we wear, upon a foreign, and perhaps inimical country. The nation that imports its cloth from abroad, is but little less dependant than if it imported its bread.

The fallacious course of reasoning urged against domestic manufactures, namely, the distress and servitude produced by that of England, would equally indicate the propriety of abandoning agriculture itself. Were you to cast your eyes upon the miserable peasantry of Poland, and revert to the days of feudal vassalage, you might thence draw numerous arguments of the kind now under consideration, against the pursuits of the husbandman! What would become of commerce, the favorite theme of some gentlemen, if assailed with this sort of weapon? The fraud, perjury, cupidity, and corruption, with which it is unhappily too often attended, would at once produce its overthrow. In short, sir, take the black side of the picture, and every human occupation will be found pregnant with fatal objections.

The opposition to manufacturing institutions recalls to my recollection the case of a gentleman, of whom I have heard. He had been in the habit of supplying his table from a neighboring cook and confectioner's shop, and proposed to his wife a reform, in this particular. She revolted at the idea. The sight of a scullion was dreadful, and her delicate nerves could not bear the clattering of kitchen furniture. The gentleman persisted in his design; his table was thenceforth cheaper and better supplied, and his neighbor, the confectioner, lost one of his best customers. In like manner Dame Commerce will oppose domestic manufactures. She is a flirting, flippant, noisy jade, and if we are governed by her fantasies, we shall never put off the muslins of India and the cloths of Europe. But I trust that the yeomanry of the country, the true and genuine landlords of this tenement, called the United States, disregarding her freaks, will persevere in reform, until the whole national family is furnished by itself with the clothing necessary for its own use.

It is a subject, no less of curiosity than of interest, to trace the prejudices in favor of foreign fabrics. In our colonial condition, we were in a complete state of dependance on the parent country, as it respected manufactures, as well as commerce. For many years after the war, such was the partiality for her productions, in this country, that a gentleman's head could not withstand the influence of solar heat, unless covered with a London hat—his feet could not bear the pebbles, or frost, unless protected by London shoes—and the comfort or ornament of his person was only consulted, when his coat was cut out by the shears of a tailor “just from London.” At length, however, the wonderful discovery has been made, that it is not absolutely beyond the reach of American skill and ingenuity, to provide these articles, combining with equal elegance, greater durability. And I entertain no doubt, that in a short time, the no less important fact will be developed, that the domestic manufactories of the United States, fostered by government, and aided by household exertions, are fully competent to supply us with at least every necessary article of clothing. I therefore, sir, for *our* (to use the fashionable cant of the day) *am in*

favor of encouraging them, not to the extent to which they are carried in England, but to such an extent as will redeem us entirely from all dependance on foreign countries. There is a pleasure—a pride (if I may be allowed the expression, and I pity those who cannot feel the sentiment) in being clad in the productions of our own families. Others may prefer the cloths of Leeds and of London, but give me those of Humphreysville.

Aid may be given to native institutions in the form of bounties and of protecting duties. But against bounties it is urged, that you tax the *whole* for the benefit of a *part* only, of the community; and in opposition to duties it is alleged, that you make the interest of one part, the consumer, bend to the interest of another part; the manufacturer. The sufficiency of the answer is not always admitted, that the sacrifice is merely temporary, being ultimately compensated by the greater abundance and superiority of the article produced by the stimulus. But, of all practicable forms of encouragement, it might have been expected that the one under consideration would escape opposition, if everything proposed in Congress were not doomed to experience it. What is it? The bill contains two provisions—one prospective, anticipating the appropriation for clothing for the army, and the amendment proposes extending it to naval supplies, for the year 1811—and the other, directing a preference to be given to home manufactures, and productions, whenever it can be done *without material detriment to the public service*. The object of the first is to authorize contracts to be made beforehand, with manufacturers, and by making advances to them, under proper security, to enable them to supply the articles wanted in sufficient quantity. When it is recollected that they are frequently men of limited capital, it will be acknowledged that this kind of assistance, bestowed with prudence, will be productive of the best results. It is in fact, only pursuing a principle long acted upon, of advancing to contractors with government, on account of the magnitude of their engagements. The appropriation contemplated to be made for the year 1811, may be restricted to such a sum as, whether we have peace or war, we must necessarily expend. The discretion is proposed to be vested in officers of high confidence, who will be responsible for its abuse, and who are enjoined to see that the public service receives no *material detriment*. It is stated that hemp is now very high, and that contracts, made under existing circumstances, will be injurious to government. But the amendment creates no obligation upon the Secretary of the Navy to go into market at this precise moment. In fact, by enlarging his sphere of action, it admits of his taking advantage of a favorable fluctuation, and getting a supply below the accustomed price, if such a fall should occur prior to the usual annual appropriation.

I consider the amendment under consideration of the first importance, in point of principle. It is evident that whatever doubt may be entertained, as to the general policy of the manufacturing system, none can exist, as to the propriety of our being able to furnish ourselves with articles of the first necessity, in time of war. Our maritime operations ought not, in such a state, to depend upon the casualties of foreign supply. It is not necessary that they should. With very little encouragement from government, I believe we shall not want a pound of Russia hemp. The increase of the article in Kentucky has been rapidly great. Ten years ago, there were but two rope manufactories in the State. Now there are about twenty, and between ten and fifteen of cotton bagging; and the erection of new ones keeps pace with the annual augmentation of the quantity of hemp. Indeed the western country, alone, is not only adequate to the supply of whatever of this article is requisite for our own consumption, but is capable of affording a surplus for foreign markets. The amendment proposed possesses the double recommendation of encouraging, at

the same time, both the manufacture and the growth of hemp. For, by increasing the demand for the wrought article, you also increase the demand for the raw material, and consequently present new incentives to its cultivator.

The three great subjects that claim the attention of the national legislature, are the interests of agriculture, commerce, and manufactures. We have had before us, a proposition to afford a manly protection to the rights of commerce, and how has it been treated? Rejected! You have been solicited to promote agriculture, by increasing the facilities of internal communication, through the means of canals and roads, and what has been done? Postponed! We are now called upon to give a trifling support to our domestic manufactures, and shall we close the circle of Congressional inefficiency, by adding this also to the catalogue?

## ON HIS RETURN FROM GHENT.

AT LEXINGTON, KENTUCKY, OCTOBER 7, 1815.

[A Public Dinner was given to Mr. CLAY, on his return from Ghent, by his fellow-citizens of Lexington, Ky. The sixth Toast was:

"Our able negotiators at Ghent—Their talents for diplomacy have kept pace with the valor of our arms in 'demonstrating' to the enemy that those States will be free."

This Toast was received with loud and repeated cheering. After it had subsided, Mr. CLAY addressed the assembly as follows:]

I FEEL myself called on by the sentiment just expressed, to return my thanks, in behalf of my colleagues and myself. I do not, and am quite sure they do not, feel that in the service alluded to, they are at all entitled to the compliment which has been paid them. We could not do otherwise than reject the demand made by the other party, and if our labors finally terminated in an honorable peace, it was owing to causes on this side of the Atlantic, and not to any exertions of ours. Whatever diversity of opinion may have existed as to the declaration of the war, there are some points on which all may look back with proud satisfaction. The first relates to the time of the conclusion of the peace. Had it been made immediately after the treaty of Paris, we should have retired humiliated from the contest, believing that we had escaped the severe chastisement with which we were threatened, and that we owed to the generosity and magnanimity of the enemy, what we were incapable of commanding by our arms. That magnanimity would have been the theme of every tongue, and of every press, abroad and at home. We should have retired unconscious of our own strength, and unconscious of the utter inability of the enemy, with his whole undivided force, to make any serious impression upon us. Our military character, then in the lowest state of degradation would have been unretrieved. Fortunately for us, Great Britain chose to try the issue of the last campaign. And the issue of the last campaign has demonstrated, in the repulse before Baltimore, the retreat from Plattsburgh, the hard-fought action on the Niagara frontier, and in that most glorious day, the 8th of January, that we have always possessed the finest elements of military composition, and that

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a proper use of them only was necessary to ensure for the army and militia a fame as imperishable as that which the navy had previously acquired.

Another point which appears to me to afford the highest consolation is, that we fought the most powerful nation, perhaps, in existence, single-handed and alone, without any sort of alliance. More than thirty years has Great Britain been maturing her physical means, which she had rendered as efficacious as possible, by skill, by discipline, and by actual service. Proudly boasting of the conquest of Europe, she vainly flattered herself with the easy conquest of America also. Her veterans were put to flight or defeated, while all Europe—I mean the government of Europe—was gazing with cold indifference, or sentiments of positive hatred of us, upon the arduous contest. Hereafter no monarch can assert claims of gratitude upon us, for assistance rendered in the hour of danger.

There is another view of which the subject of the war is fairly susceptible. From the moment that Great Britain came forward at Ghent with her extravagant demands, the war totally changed its character. It became as it were a new war. It was no longer an American war, prosecuted for redress of British aggressions upon American rights, but became a British war, prosecuted for objects of British ambition, to be accompanied by American sacrifices. And what were those demands? Here, in the immediate neighborhood of a sister State and Territories, which were to be made, in part, the victims, they must have been felt, and their enormity justly appreciated. They consisted of the erection of a barrier between Canada and the United States, to be formed by cutting off from Ohio and some of the Territories, a country more extensive than Great Britain, containing thousands of freemen, who were to be abandoned to their fate, and creating a new power, totally unknown upon the continent of America: Of the dismantling of our fortresses, and naval power on the lakes, with the surrender of the military occupation of those waters to the enemy, and of an *arrondissement* for two British provinces. These demands, boldly asserted, and one of them declared to be a *sine qua non*, were finally relinquished. Taking this view of the subject, if there be loss of reputation by either party, in the terms of the peace, who has sustained it?

The effects of the war, are highly satisfactory. Abroad our character, which at the time of its declaration, was in the lowest state of degradation, is raised to the highest point of elevation. It is impossible for any American to visit Europe without being sensible of this agreeable change, in the personal attentions which he receives, in the praises which are bestowed on our past exertions, and the predictions which are made as to our future prospects. At home, a government, which, at its formation, was apprehended by its best friends and pronounced by its enemies to be incapable of standing the shock, is found to answer all the purposes of its institution. In spite of the errors which have been committed, (and errors have undoubtedly been committed) aided by the spirit and patriotism of the people, it is demonstrated to be as competent to the objects of effective war, as it has been before proven to be to the concerns of a season of peace. Government has thus acquired strength and confidence. Our prospects for the future are of the brightest kind. With every reason to count on the permanence of peace, it remains only for the government to determine upon military and naval establishments adapted to the growth and extension of our country and its rising importance, keeping in view a gradual but not burdensome increase of the navy. To provide for the payment of the interest, and the redemption of the public debt, and for the current expenses of government. For all these objects, the existing sources of the revenue promises not only to be abundantly sufficient, but will probably leave ample scope to the exercise



of the judgment of Congress, in selecting for repeal, modification, or abolition, those which may be found most oppressive, inconvenient, or unproductive.

[The eighteenth and last Toast was:—"Our guest, HENRY CLAY—We welcome his return to that country, where rights and interests he has so ably maintained at home and abroad."]

My friends, I must again thank you for your kind and affectionate attention. My reception has been more like that of a brother than a common friend or acquaintance, and I am utterly incapable of finding words to express my gratitude. My situation is like that of a Swedish gentleman, at a dinner given in England, by the Society of Friends of Foreigners in Distress. A toast having been given complimentary to his country, it was expected, as is usual on such occasions, that he would rise and address the company. The gentleman, not understanding the English language, rose under great embarrassment, and said: "Sir, I wish you to consider me *A Foreigner in Distress*." I wish you, gentlemen, to consider me a *Friend in distress*.

## ON THE SPANISH TREATY.

IN THE HOUSE OF REPRESENTATIVES, APRIL 3, 1820.

Resolved, That the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them, and that no treaty, purporting to alienate any portion thereof, is valid without the concurrence of Congress.

Resolved, That the equivalent proposed to be given by Spain to the United States in the treaty concluded between them, on the 23d of February, 1819, for that part of Louisiana lying west of the Sabine, was inadequate; and that it would be inexpedient to make a transfer thereof to any foreign power, or to renew the aforesaid treaty.

WHILE I feel very grateful to the House for the prompt and respectful manner in which they have allowed me to enter upon the discussion of the resolutions which I had the honor of submitting to their notice, I must at the same time frankly say, that I think their character and consideration, in the councils of this nation, is concerned in not letting the present session pass off without deliberating upon our affairs with Spain. In coming to the present session of Congress, it has been my anxious wish to be able to concur with the executive branch of the government in the measures which it might conceive itself called upon to recommend on that subject, for two reasons, of which, the first, relating personally to myself, I will not trouble the committee with further noticing. The other is, that it appears to me to be always desirable, in respect to the foreign action of this government, that there should be a perfect coincidence in opinion between its several coordinate branches. In time, however, of peace, it may be allowable to those who are charged with the public interests to entertain and express their respective views, although there may be some discordance between them. In a season of war, there should be no division in the public councils: but an united and vigorous exertion to bring the war to an honorable conclusion. For my part, whenever that calamity may befall my country, I would entertain but one wish, and that is, that success might crown our struggle, and the war be honorably and gloriously terminated. I would never

refuse to share in the joys incident to the victory of our arms, nor to participate in the griefs of defeat or discomfiture. I concede entirely in the sentiment once expressed by that illustrious hero, whose recent melancholy fall we all so sincerely deplore, that fortune may attend our country in whatever war it may be involved.

There are two systems of policy which our government has had the choice. The first is, by appealing to the justice and affections of Spain, to employ all those persuasives which could arise out of our abstinence from any direct countenance to the cause of South America and the observance of a strict neutrality. The other is, by appealing to her justice also and to her fears, to prevail upon her to redress the injuries of which we complain—her fears by a recognition of the independent governments of South America, and leaving her in a state of uncertainty as to the further steps we may take in respect to those governments. The unratified treaty is the result of the first system. It cannot be positively affirmed what effect the other system will produce; but I verily believe that, while it renders justice to those governments, and will better comport with that magnanimous policy which ought to characterize our own, it will more successfully tend to an amicable arrangement of our differences with Spain.

The first system has so far failed. At the commencement of the session, the President recommended an enforcement of the provisions of the treaty. After three months deliberation, the Committee of Foreign Affairs, not being able to concur with him, he has made us a report recommending the seizure of Florida in the nature of a reprisal. Now the President recommends our postponement of the subject until the next session. It has been my intention, whenever the Committee of Foreign Affairs should engage the House to act upon their bill, to offer, as a substitute for it the system which I think it becomes this country to adopt, of which the occupation of Texas, as our own, would have been a part, and the recognition of the independent governments of South America another. If I do not now bring forward this system, it is because the Committee propose to withdraw their bill, and because I know too much of the temper of the House and the Executive, to think that it is advisable to bring it forward. I hope that some suitable opportunity may occur during the session, for considering the propriety of recognizing the independent governments of South America.

Whatever I may think of the *discretion* which was evinced in recommending the postponement of the bill of the Committee of Foreign Affairs, I cannot think that the reasons assigned by the President for that recommendation, were entitled to the weight which he has given them. I think the House is called upon, by a high sense of duty, seriously to animadvert upon some of those reasons. I believe it is the first example in the annals of the country, in which a course of policy respecting a foreign power, which we must suppose has been deliberately considered, has been recommended to be abandoned, in a domestic communication from one to another coördinate branch of the government, upon the avowed ground of the interposition of foreign powers. And what is the nature of this interposition? It is evidenced from the cargo of scraps gathered up from this Charge d'Affairs, and that—of loose conversations held with this foreign minister, and that—perhaps mere levee conversations, without a commitment in writing, in a solitary instance, of any of the foreign parties concerned, except only in the case of his Imperial Majesty; and what was the character of his commitment we shall presently see. But I enter my solemn protest against this and every other species of foreign interference in our matters with Spain. What have they to do with them? Would they not repel as an off-

cious and insulting intrusion, any interference on our part in their concerns with foreign states? Would his imperial majesty have listened with complacency to our remonstrances against the vast acquisitions which he has recently made? He has lately crammed his maw with Finland and with the spoils of Poland, and while the difficult process of mastication is going on he throws himself upon a couch, and cries out—don't, don't disturb my repose.

*He charges his minister here to plead the cause of peace and concord! The American government is too enlightened" (ah! sir, how sweet this unction is, which is poured down our backs,) to take hasty steps. And his imperial majesty's minister here is required to engage (I hope the original expression is less strong, but I believe the French word *engager* bears the same meaning,) the American government, &c."* "Nevertheless, the emperor does not interpose in this discussion." No! not he. He makes above all "no pretension to exercise influence in the councils of a foreign power." Not the slightest. And yet, at the very instant when he is protesting against the imputation of this influence, his interposition is proving effectual! His imperial majesty has at least manifested so far, in this particular, his capacity to govern his empire, by the selection of a sagacious minister. For if Count Nesselrode had never written another paragraph, the extract from his despatch to Mr. Poletica, which has been transmitted to this House, will demonstrate that he merited the confidence of his master. It is quite refreshing to read such State papers, after perusing those (I am sorry to say it, I wish there was a veil broad and thick enough to conceal them for ever,) which this treaty has produced on the part of our government.

Conversations between my Lord Castlereagh and our minister at London have also been communicated to this House. Nothing from the hand of his lordship is produced; no! he does not commit himself in that way. The *sense* in which our minister understood, and the purport of certain parts of despatches from the British government to its minister at Madrid, which he deigned to read to our minister, are alone communicated to us. Now we know very well how diplomatists, when it is their pleasure to do so, can wrap themselves up in mystery. No man, more than my Lord Castlereagh, who is also an able minister, possessing much greater talents than are allowed to him generally in this country, can successfully express himself in ambiguous language when he chooses to employ it. I recollect myself once to have witnessed this facility on the part of his lordship. The case was this: when Bonaparte made his escape from Elba, and invaded France, a great part of Europe believed it was with the connivance of the British ministry. The opposition charged them in Parliament with it, and they were interrogated to know what measures of precaution they had taken against such an event. Lord Castlereagh replied by stating, that there was an *understanding* with a *certain* naval officer of high rank, commanding in the adjacent seas, that he was to *act* on certain *contingencies*. Now, Mr. Chairman, if you can make any thing intelligible out of this reply, you will have much more success than the English opposition had.

The allowance of interference by foreign powers in the affairs of our government, not pertaining to themselves, is against the counsels of all our wisest politicians—those of Washington, Jefferson, and I would also add, those of the present chief magistrate, for, pending this very Spanish negotiation, the offer of the mediation of foreign States was declined, upon the true ground that Europe had her system, and we ours; and that it was not compatible with our policy to entangle ourselves in the labyrinths of hers. But a mediation is far preferable to the species of interference on

which it had been my reluctant duty to comment. The mediator is a judge, placed on high, his conscience his guide, the world his spectators, and posterity his judge. His position is one, therefore, of the greatest responsibility. But what responsibility is attached to this sort of irregular, drawing-room, intriguing interposition? I can see no motive for governing or influencing our policy in regard to Spain, furnished in any of the communications which respected the disposition of foreign powers. I regret, for my part, that they have at all been consulted. There is nothing in the character of the power of Spain; nothing in the beneficial nature of the stipulations of the treaty to us, which warrants us in seeking the aid of foreign powers, if in any case whatever that aid is desirable. I am far from saying that, in the foreign action of this government, it may not be prudent to keep a watchful eye upon the probable conduct of foreign powers. That may be a material circumstance to be taken into consideration. But I never would avow to our own people—never promulgate to foreign powers, that their wishes and interference were the controlling cause of our policy. Such promulgation would lead to the most alarming consequences. It is to invite further interposition. It might, in process of time create in the bosom of our country a Russian faction, a British faction, a French faction. Every nation ought to be jealous of this species of interference, whatever is its form of government. But of all forms of government the united testimony of all history admovises a republic to be most guarded against it. From the moment Philip intermeddled with the affairs of Greece, the liberty of Greece was doomed to inevitable destruction.

Suppose we could see the communications which have passed between his imperial majesty and the British government, respectively, and Spain, in regard to the United States; what do you imagine would be their character? Do you suppose the same language has been held to Spain and to us? Do you not, on the contrary, believe, that the sentiments expressed to her have been consoling to her pride? That we have been represented, perhaps, as an ambitious republic, seeking to aggrandize ourselves at her expense?

The other ground taken by the President, the present distressed condition of Spain, for his recommendation of forbearance to act during the present session, I am also sorry to say does not appear to me to be solid. I can well conceive how the weakness of your aggressor might, when he was withholding from you justice, form a motive for your pressing your equitable demands upon him; I cannot accord in the wisdom of that policy which would wait his recovery of strength, so as to enable him successfully to resist those demands. Nor would it comport with the practice of our government heretofore. Did we not, in 1811, when the present monarch of Spain was an ignoble captive, and the people of the Peninsula were contending for the inestimable privilege of self-government, seize and occupy that part of Louisiana which is situated between the Mississippi and the Perdido? What must the people of Spain think of that policy which would not spare them, and which commiserates alone an unworthy prince, who ignominiously surrendered himself to his enemy; a vile despot, of whom I cannot speak in appropriate language without departing from the respect due to this House or to myself? What must the people of South America think of this sympathizing for Ferdinand, at a moment when they, as well as the people of the Peninsula themselves, (if we are to believe the late accounts, and God send that they may be true,) are struggling for liberty?

Again: when we declared our late just war against Great Britain, did we wait for a moment when she was free from embarrassment or distress; or did we not rather

wisely select a period when there was the greatest probability of giving success to our arms? What was the complaint in England; what the language of faction here? Was it not that we had cruelly proclaimed the war at a time when she was struggling for the liberties of the world? How truly, let the sequel and the voice of impartial history tell.

Whilst I cannot, therefore, persuade myself, that the reasons assigned by the President for postponing the subject of our Spanish affairs until another session, are entitled to all the weight which he seemed to think belonged to them, I do not nevertheless regret that the particular project recommended by the committee of foreign relations is thus to be disposed of; for it is war—war, attempted to be disguised. And if we go to war, I think it should have no other limit than indemnity for the past, and security for the future. I have no idea of the wisdom of that measure of hostility which would bind us, whilst the other party is left free.

Before I proceed to consider the particular propositions which the resolutions contained which I had the honor of submitting, it is material to determine the actual posture of our relations to Spain. I consider it too clear to need discussion, that the treaty is at an end; that it contains in its present state, no obligation whatever on the part of Spain. It is as if it had never been. We are remitted back to the state of our rights and our demands which existed prior to the conclusion of the treaty, with this only difference, that, instead of being merged in, or weakened by the treaty, they have acquired all the additional force which the intervening time and the faithlessness of Spain can communicate to them. Standing on this position, I should not deem it necessary to interfere with the treaty-making power, if a fixed and persevering purpose had not been indicated by it, to obtain the revival of the treaty. Now I think it a bad treaty. The interest of the country, as it appears to me, forbids its renewal. Being gone, it is perfectly incomprehensible to me why so much solicitude is manifested to restore it. Yet it is clung to with the same sort of frantic affection with which the bereaved mother hugs her dead infant in the vain hope of bringing it back to life.

Has the House of Representatives a right to express its opinion upon the arrangement made in that treaty? The President, by asking Congress to carry it into effect, has given us jurisdiction of the subject, if we had it not before. We derive from that circumstance the right to consider, 1st, if there be a treaty; 2dly, if we ought to carry it into effect; and 3dly, if there be no treaty. It will not be contended that we are restricted to that specific mode of redress which the President intimated in his opening message.

The first resolution which I have presented, asserts that the constitution vests in the Congress of the United States the power to dispose of the territory belonging to them; and that no treaty, purporting to alienate any portion thereof, is valid, without the concurrence of Congress. It is far from my wish to renew at large a discussion of the treaty-making power. The constitution of the United States has not defined the precise limits of that power, because from the nature of it they could not be prescribed. It appears to me, however, that no safe American statesman will assign to it a boundless scope. I presume for example, that it will not be contended that in a government which is itself limited, there is a functionary without limit. The first great bound to the power in question, I apprehend is, that no treaty can constitutionally transcend the very objects and purposes of the government itself. I think, also, wherever there are specific grants of powers to Congress, they limit and control, or,

I would rather say, modify the exercise of the general grant of the treaty making power, upon a principle which is familiar to every one. I do not insist that the treaty making power cannot act upon the subjects committed to the charge of Congress. I contend that the concurrence of Congress in its action upon these subjects is necessary. Nor would I insist that the concurrence should precede that action. It would be always most desirable that it should precede it, if convenient, to guard against the commitment of Congress, on the one hand, by the executive, or on the other, what might seem to be a violation of the faith of the country, pledged for the ratification of the treaty. But I am perfectly aware that it will be very often highly convenient to deliberate, in a body so numerous as Congress, on the nature of those terms on which it may be proper to treat with foreign powers. In the view of the subject which I have been taking, there is a much higher degree of security to the interests of this country. For, with all respect to the President and Senate, it cannot disparage the wisdom of their councils to add that of this House also. But, if the concurrence of this House be not necessary in the cases asserted; if there be no restriction upon the power I am considering, it may draw to itself and absorb the whole of the powers of government. To contract alliances; to stipulate for raising troops to be employed in a common war about to be waged; to grant subsidies, even to introduce foreign troops within the bosom of the country, are not unfrequent instances of the exercise of this power; and if in all such cases the honor and faith of the nation are committed, by the exclusive act of the President and Senate, the melancholy duty alone might be left to Congress of recording the ruin of the Republic.

Supposing, however, that no treaty which undertakes to dispose of the territory of the United States is valid, without the concurrence of Congress, it may be contended that such treaty may constitutionally fix the limits of the territory of the United States, where they are disputed, without the co-operation of Congress. I admit it, when the fixation of the limits simply is the object. As in the case of the river St Croix, or the more recent stipulation in the treaty of Ghent, or in that of the treaty of Spain in 1795. In all these cases the treaty-making power merely reduces to certainty that which was before unascertained. It announces the fact; it proclaims in a tangible form, the existence of the boundary. It does not make a new boundary; it asserts only where the old boundary was. But it cannot, under color of fixing a boundary previously existing, though not in fact marked, undertake to cede away, without the concurrence of Congress, whole provinces. If the subject be one of a mixed character; if it consists partly of cession, and partly of the fixation of a prior limit, I contend that the President must come here for the consent of Congress. But in the Florida treaty it was not pretended that the object was simply a declaration of where the western limit of Louisiana was. It was, on the contrary, the case of an avowed cession of territory from the United States to Spain. The whole of the correspondence manifest that the respective parties to the negotiation were not engaged so much in an inquiry where the limit of Louisiana *was*, as that they were exchanging overtures where it *should be*. Hence we find various limits proposed and discussed. At one time the Mississippi is proposed; then the Missouri; then a river discharging itself into the gulf east of the Sabine. A vast desert is proposed to separate the territories of the two powers; and finally the Sabine, which neither of the parties had ever contended was the ancient limit of Louisiana, is adopted, and the boundary is extended from its source by a line perfectly new and arbitrary; and the treaty itself proclaims its purpose to be a cession from the United States to Spain.

The second resolution comprehends three propositions; the first of which is, that the equivalent granted by Spain to the United States for the province of Texas is in-



adequate. To determinate this it is necessary to estimate the value of what we gave and of what we received. This involves an inquiry into our claim to Texas. It is not my purpose to enter at large into this subject. I presume the spectacle will not be presented of questioning, in this branch of the government, our title to Texas, which has been constantly maintained, by the executive for more than fifteen years past, under three several administrations. I am at the same time ready and prepared to make out our title, if any one in the House is fearless enough to controvert it. I will for the present, briefly state, that the man who is most familiar with the transactions of this government, who largely participated in the formation of our constitution, and all that has been done under it, who, besides the eminent services that he has rendered his country, principally contributed to the acquisition of Louisiana, who must be supposed, from his various opportunities, best to know its limits, declared, fifteen years ago, that our title to the Rio del Norte was as well founded as it was to the island of New Orleans.

[Here Mr. C. read an extract from a memoir presented in 1808, by Mr. Monroe and Mr. Pinckney, to Mr. Cavello, proving that the boundary of Louisiana extended eastward to the Perdido, and westward to the Rio del Norte, in which they say—"The facts and principles which justify this conclusion, are so satisfactory to their government as to convince it that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described."]

The title to the Perdido on the one side, and the Rio del Norte on the other, rest on the same principle—the priority of discovery and of occupation by France. Spain had first discovered and made an establishment at Pensacola; France at Dauphine island in the bay of Mobile. The intermediate space was unoccupied; and the principle observed among European nations having contiguous settlement, being that the unoccupied space between them should be equally divided, was applied to it, and the Perdido thus became the common boundary. So, west of the Mississippi, La Salle, acting under France, in 1682 or 3, first discovered that river. In 1685, he made an establishment on the bay of St. Bernard, west of the Colorado, emptying into it. The nearest Spanish settlement was Panuco, and the Rio del Norte, about the midway line, became the common boundary.

All the accounts concur in representing Texas to be extremely valuable. Its superficial extent is three or four times greater than that of Florida. The climate is delicious; the soil fertile; the margin of the rivers abounding in live oak; and the country admitting of easy settlement. It possesses, moreover, if I am not misinformed, one of the finest ports in the gulf of Mexico. The productions of which it is capable, are suited to our wants. The unfortunate captive of St. Helena wished for ships, commerce, and colonies. We have them all, if we do not wantonly throw them away. The colonies of other countries are separated from them by vast seas, requiring great expense to protect them, and are held subject to a constant risk of their being torn from their grasp. Our colonies, on the contrary are united to and form a part of our continent; and the same Mississippi, from whose rich deposit, the best of them (Louisiana) has been formed, will transport on her bosom the brave, the patriotic men from her tributary streams, to defend and preserve the next most valuable, the province of Texas.

We want Florida, or rather we sh<sup>d</sup> want it; or, to speak more correctly, we want nobody else to have it. We do not desire it for immediate use. It fills a space in our imagination, and we wish it to complete the arondissement of our territory. It must certainly come to us. The ripened fruit will not more surely fall. Florida is closed in between Alabama and Georgia, and cannot escape. Texas

may. Whether we get Florida now, or some five or ten years hence, it is of no consequence, provided no other power gets it; and if any other should attempt to take it, an existing act of Congress authorises the President to prevent it. I am not disposed to disparage Florida, but its intrinsic value is incomparably less than that of Texas. Almost its sole value is military. The possession of it would undoubtedly communicate some additional security to Louisiana, and to the American commerce in the gulf of Mexico. But it is not very essential to have it for protection to Georgia and Alabama. There can be no attack upon either of them, by a foreign power, on the side of Florida. It now covers those States. Annexed to the United States, and we should have to extend our line of defence so as to embrace Florida. Far from being, therefore, a source of immediate profit, it would be the occasion of considerable immediate expense. The acquisition of it is certainly a fair object of our policy, and ought never to be lost sight of. It is even a laudable ambition in any chief magistrate to endeavor to illustrate the epoch of his administration, by such an acquisition. It is less necessary, however, to fill the measure of honors of the present chief magistrate, than that of any other man, in consequence of the large share which he had in obtaining all Louisiana. But, whoever may deserve the renown which may attend the incorporation of Florida into our confederacy, it is our business, as the representatives of that people, who are to pay the price of it, to take care, as far as we constitutionally can, that too much is not given. I would not give Texas for Florida in a naked exchange. We are bound by the treaty to give not merely Texas, but five millions of dollars, also, and the excess beyond that sum of all our claims upon Spain, which have been variously estimated at from fifteen to twenty millions of dollars!

The public is not generally apprized of another large consideration which passed from us to Spain, if an interpretation which I have heard given to the treaty is just, and it certainly is plausible. Subsequent to the transfer, but before the delivery of Louisiana from Spain to France, the then governor of New Orleans (I believe his name was Gayoso,) made a number of concessions upon the payment of an inconsiderable pecuniary consideration, amounting to between nine hundred thousand and a million acres of land, similar to those made at Madrid to the royal favorites. This land is situated in Feliciana, and between the Mississippi and the Atchafalaya, in the present State of Louisiana. It was granted to persons who possessed the very best information of the country, and is no doubt, therefore, the choice land. The United States have never recognized, but have constantly denied the validity of these concessions. It is contended by the parties concerned, that they are confirmed by the late treaty. By the second article, his Catholic majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of *East and West Florida*. And by the eighth article, all grants of land made before the twenty-fourth January, 1818, by his Catholic majesty, or by his *lawful authorities*, shall be ratified and confirmed, &c. Now the grants in question having been made long prior to that day, are supposed to be confirmed. I understand from a person interested, that Don Onís had assured him it was his intention to confirm them. Whether the American negotiator has the same intention or not, I do not know. It will not be pretended that the letter of Mr. Adams, of the 12th March, 1818, in which he declines to treat any further with respect to any part of the territory included within the limits of the State of Louisiana, can control the operation of the subsequent treaty. That treaty must be interpreted by what is in it, and not by what is out of it. The overtures which passed between the parties respectively, prior to the conclusion of the treaty, can neither restrict nor enlarge its meaning. Moreover, when Mr. Madison occupied, in 1811, the country between the Mississippi and the Perdido,

he declared, that, in our hands it should be, as it has been, subject to negotiation. It results, then, that we have given for Florida, charged and encumbered as it is:

1st, Unincumbered Texas.

2d, Five millions of dollars.

3d, A surrender of all our claims upon Spain, not included in that five millions; and,

4th, If the interpretation of the treaty which I have stated is well founded, about a million acres of the best unseated land in the State of Louisiana, worth perhaps ten millions of dollars.

The first proposition contained in the second resolution is thus, I think, fully sustained. The next is, that it is inexpedient to cede Texas to any foreign power. They constitute, in my opinion, a sacred inheritance of posterity, which we ought to preserve unimpaired. I wish it was, if it is not, a fundamental and inviolable law of the land, that they should be inalienable to any foreign power. It is quite evident that it is in the order of Providence; that it is an inevitable result of the principle of population, that the whole of this continent, including Texas, is to be peopled in process of time. The question is, by whose race shall it be peopled? In our hands it will be peopled by freemen and the sons of freemen, carrying with them our language, our laws, and our liberties; establishing on the prairies of Texas temples dedicated to the simple and devout modes of worship of God incident to our religion, and temples dedicated to that freedom which we adore next to Him. In the hands of others, it may become the habitation of despotism and of slaves, subject to the vile dominion of the Inquisition and of superstition. I know that there are honest and enlightened men who fear that our confederacy is already too large, and that there is danger of disruption, arising out of want of reciprocal adherence between its several parts. I hope and believe that the principle of representation, and the formation of States, will preserve us a united people. But if Texas, after being peopled by us, and grappling with us, should, at some distant day, break off, she will carry along with her a noble crew, consisting of our children's children. The difference between those who may be disinclined to its annexation to our confederacy, and me, is, that their system begins where mine may, possibly, in some distant future day, terminate; and theirs begins with a foreign race, aliens to everything that we hold dear, and mine ends with a race partaking of all our qualities.

The last proposition which the second resolution affirms, is, that it is inexpedient to renew the treaty. If Spain had promptly ratified it, bad as it is, I would have acquiesced in it. After the protracted negotiation which it terminated; after the irritating and exasperating correspondence which preceded it; I would have taken the treaty as a man who has passed a long and restless night, turning and tossing in his bed, snatches at day an hour's disturbed repose. But she would not ratify it; and she has liberated us from it. Is it wise to renew the negotiation, if it is to be recommenced, by announcing to her at once our ultimatum? Shall we not give her the vantage ground? In early life I have sometimes indulged in a species of amusement, which years and experience has determined me to renounce, which, if the committee will allow me to use it, furnishes me with a figure—shall we enter on the game, with our hand exposed to the adversary, whilst he shuffles the cards to acquire more strength? What has lost us his ratification of the treaty? Incontestably our importunity to procure the ratification, and the hopes which that importu-

## APPENDIX.

city inspired, that he could yet obtain more from us. Let us undeceive him. Let us proclaim the acknowledged truth, that the treaty is prejudicial to the interests of this country. Are we not told, by the Secretary of State, in the bold and confident assertion, that Don Onís was authorized to grant us *much* more, and that Spain *dare* not deny his instructions? The line of demarcation is *far* within his limits. If she would have then granted us more, is her position now more favorable to her in the negotiation? In our relations to foreign powers, it may be sometimes politic to sacrifice a portion of our rights to secure the residue. But is Spain such a power, as that it becomes us to sacrifice those rights? Is she entitled to it by her justice, by her observance of good faith, or by her possible annoyance of us in the event of war? She will seek, as she has sought, procrastination in the negotiation, taking the treaty as the basis. She will dare to offend us, as she has insulted us, by asking the disgraceful stipulation that we should not recognize the patriots. Let us put aside the treaty; tell her to grant us our rights, to their uttermost extent. And if she still *palles*, let us assert those rights by whatever measures it is for the interest of the country to adopt.

If the treaty is abandoned; if we are not on the contrary signified, too distinctly, that there is to be a continued and unremitting endeavor to obtain its revival, I would not think it advisable for this House to interpose. But, with all the information in our possession, and holding the opinions which I entertain, I think it the bounden duty of the House to adopt the resolutions. I have acquitted myself of what I deem a solemn duty, in bringing up the subject. Others will discharge theirs according to their own sense of them.

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## ON THE MISSION TO SOUTH AMERICA.

IN THE HOUSE OF REPRESENTATIVES, MARCH 28, 1820.

[The House having again resolved itself into a Committee of the Whole on the general appropriation bill, to which Mr. CLAY moved an amendment, going to make an appropriation for the outfit and a year's salary of a Minister to Buenos Ayres.]

THE first objection which I think it incumbent on me to notice is that of my friend from South Carolina, (Mr. Lowndes) who opposed the form of the proposition, as being made on a general appropriation bill, on which he appeared to think nothing ought to be engrafted which was likely to give rise to a difference between the two branches of the legislature. If the gentleman himself had always acted on this principle, his objection would be entitled to more weight; but, the item in the appropriation bill next following this, and reported by the gentleman himself, is infinitely more objectionable—which is, an appropriation of thirty thousand dollars for defraying the expenses of three commissioners, appointed, or proposed to be paid, in an unconstitutional form. It cannot be expected that a general appropriation bill will ever pass without some disputable clauses, and in case of a difference between the two Houses (a difference which we have no right to anticipate in this instance) which cannot be compromised as to any article, the obvious course is to omit such

article altogether, retaining all the others—and, in a case of this character, relative to brevet pay, which has occurred during the present session, such has been the ground the gentleman himself has taken in a conference with the Senate, of which he is a manager.

The gentleman from South Carolina, has professed to concur with me in a great many of his general propositions; and neither he nor any other gentleman has disagreed with me, that the mere recognition of the independence of the provinces is no cause of war with Spain—except the gentleman from Maryland, (Mr. Smith) to whom I recommend, without intending disrespect to him, to confine himself to the operation of commerce, rather than undertake to expound questions of public law; for I can assure the gentleman, that although he may make some figure, with his practical knowledge, in the one case, he will not in the other. No man, except the gentleman from Maryland, has had what I should call the hardihood to contend that, on the ground of principle and mere public law, the exercise of the right of recognizing another power is cause of war. But though the gentleman from South Carolina admitted, that the recognition would be no cause of war, and that it was not likely lead to a war with Spain, we find him, shortly after, getting into a war with Spain, how, I do not see, and by some means, which he did not deign to discover to us, getting us into a war with England also. Having satisfied himself, by this course of reasoning, the gentleman has discovered, that the finances of Spain are in a most favorable condition! On this part of the subject, it is not necessary for me to say any thing after what the committee has heard from the eloquent gentleman from Massachusetts, (Mr. Holmes) whose voice, in a period infinitely more critical in our affairs than the present, has been heard with so much delight from the east in support of the rights and honor of the country. He has clearly shown, that there is no parallel between the state of Spain and of this country—the one of a country whose resources are completely impoverished and exhausted; the other of a country whose resources are almost untouched. But, I would ask of the gentleman from South Carolina, if he can conceive that a state, in the condition of Spain, whose Minister of the Treasury admits that the people have no longer the means of paying new taxes—a nation with an immense mass of floating debt, and totally without credit, can feel any anxiety to engage in a war with a nation like this, whose situation is, in every possible view, directly the reverse? I ask, if an annual revenue, equal only to five-eighths of the annual expenditure, exhibits a financial ability to enter upon a new war, when, too, the situation of Spain is altogether unlike that of the United States and England, whose credit, resting upon a solid basis, enables them to supply, by loans, any deficit in the income?

Notwithstanding the diversity of sentiment which has been displayed during the debate, I am happy to find that, with one exception, every member has done justice to the struggle in the South, and admitted it to be entitled to the favor of the best feelings of the human heart. Even my honorable friend near me (Mr. Nelson) has made a speech on our side, and we should not have found out, if he had not told us, that he would vote against us. Although his speech has been distinguished by his accustomed eloquence, I should be glad to agree on a cartel with the gentlemen on the other side of the House, to give them his speech for his vote. The gentleman says his heart is with us, that he ardently desires the independence of the South. Will he excuse me for telling him, that if he will give himself up to the honest feelings of his heart, he will have a much surer guide than by trusting to his head, to which, however, I am far from offering any disparagement?

But, sir, it seems that a division of the republican party is about to be made by the proposition. Who is to furnish, in this respect, the correct criterion; whose conduct is to be the standard of orthodoxy? What has been the great principle of the party to which the gentleman from Virginia refers, from the first existence of the government to the present day? An attachment to liberty, a devotion to the great cause of humanity, of freedom, of self-government, and of equal rights. If there is to be a division, as the gentleman says; if he is going to leave us, who are following the old track, he may, in his new connexions, find a great variety of company, which, perhaps, may indemnify him for the loss of his old friends. What is the great principle that has distinguished parties in all ages and under all governments—democrats and federalists, whigs and tories, plebeians and patricians? The one, distrustful of human nature, appreciates less the influence of reason and of good dispositions, and appeals more to physical force; the other party, confiding in human nature, relies much upon moral power, and applies to force as an auxiliary only to the operations of reason. All the modifications and denominations of political parties and sects may be traced to this fundamental distinction. It is that which separated the two great parties in this country. If there is to be a division in the republican party, I glory that I, at least, am found among those who are anxious for the advancement of human rights and of human liberty: and the honorable gentleman who spoke of appealing to the public sentiment, will find, when he does so, or I am much mistaken, that public sentiment is also on the side of public liberty and of human happiness.

But the gentleman from South Carolina has told us, that the constitution has wisely confided to the executive branch of the government, the administration of the foreign interests of the country. Has the honorable gentleman attempted to show, though his proposition be generally true, and will never be controverted by me, that we also have not our participation in the administration of the foreign concerns of the country, when we are called upon in our legislative capacity, to defray the expenses of foreign missions, or to regulate commerce? I stated, when up before, and I have listened in vain for an answer to the argument, that no part of the constitution says which shall have the precedence, the act of making the appropriation for paying a minister, or the act of sending one. I have contended, and now repeat, that either the acts of deputing and of paying a minister should be simultaneous, or, if either has the preference, the act of appropriating his pay should precede the sending of a minister. I challenge gentlemen to show me anything in the constitution which directs that a minister shall be sent before his payment is provided for. I repeat, what I said the other day, that, by sending a minister abroad, during the recess, to nations between whom and us no such relations existed as to justify incurring the expense, the legislative opinion is forestalled, or unduly biased. I appeal to the practice of the government, and refer to various acts of Congress for cases of appropriations, without the previous deputation of the agent abroad, and without the preliminary of a message from the President, asking for them.

[*Mr. CLAY here quoted the act, authorizing the establishment of certain consulates in the Mediterranean, and assigning salaries thereto, in consequence of which the President had subsequently appointed consuls, who had been receiving their salaries to this day.*]

From these it appears that Congress has constantly pursued the great principle of the theory of the constitution, for which I now contend—that each department of the government must act within its own sphere, independently, and on its own responsibility. It is a little extraordinary, indeed, after the doctrine which was main-



tained the other day, of a sweeping right in Congress to appropriate money to any object, that it should now be contended that Congress has no right to appropriate money to a particular object. The gentlemen's (Mr. Lowndes) doctrine is broad, comprehending every case; but, when proposed to be exemplified in any specific case, it does not apply. My theory of the constitution, on this particular subject is, that Congress has the right of appropriating money for foreign missions, the President the power to use it. The President having the power, I am willing to say to him, "here is the money, which we alone have a right to appropriate, which will enable you to carry your power into effect, if it seems expedient to you." Both being before him, the power and the means of executing it, the President would judge, on his own responsibility, whether or not it was expedient to exercise it. In this course, each department of the government would act independantly, without influence from, and without interference with, the other. I have stated cases, from the statute book, to show, that, in instances where no foreign agent has been appointed, but only a possibility of their being appointed, appropriations have been made for paying them. Even in the case of the subject matter of negotiation, (a right much more important than that of sending an agent) an appropriation of money has preceded the negotiation of a treaty. Thus, in the third volume of the new edition of the laws, page twenty-seven, a case of an appropriation of twenty-five thousand eight hundred and eighty dollars to defray the expense of such treaties as the President of the United States might deem proper to make with certain Indian tribes. An act, which has been lately referred to, appropriating two millions for the purchase of Florida, is a case still more strongly in point, as contemplating a treaty, not with a savage, but a civilized power. In this case, there may have been, though I believe there was not, an executive message, recommending the appropriation; but I take upon myself to assert, that, in almost all the cases I have quoted, there was no previous executive intimation that the appropriation of the money was necessary to the object—but Congress has taken up the subjects, and authorized these appropriations, without any official call from the executive to do so.

With regard to the general condition of the provinces now in revolt against the parent country, I will not take up much of the time of the House. Gentlemen are, however, much mistaken as to many of the points of their history, geography, commerce and produce, which have been touched upon. Gentlemen have supposed there would be from those countries a considerable competition of the same products which we export. I venture to say that, in regard to Mexico, there can be no such competition; that the table lands are at such a distance from the sea-shore, and the difficulty of reaching it is so great as to make the transportation to La Vera Cruz too expensive to be borne, and the heat so intense as to destroy the bread stuffs, as soon as they arrive. With respect to New Grenada, the gentleman from Maryland is entirely mistaken. It is the elevation of Mexico, principally, which enables it to produce bread stuffs; but New Grenada, lying nearly under the line, cannot produce them. The productions of New Grenada for exportation are, the precious metals, (of which, of gold particularly, a greater portion is to be found than in any of the provinces except Mexico), sugar, coffee, cocoa, and some other articles of a similar character. Of Venezuela the principle productions are, coffee, cocoa, indigo, and some sugar. Sugar is also produced in all the Guianas, French, Spanish, and Dutch. The interior of the provinces of La Plata may be productive of bread stuffs, but they are too remote to come into competition with us in the West India market, the voyage to the United States generally occupying from fifty to sixty days, and some times as long as ninety days. By deducting from that number the average passage from the United States to the West Indies, the length of the usual passage between

Buenos Ayres and the West Indies, will be found and will show that, in the supply of the West India market with bread stuffs, the provinces can never come seriously into competition with us. And in regard to Chili, productive as it may be, does the gentleman from Maryland suppose that vessels are going to double Cape Horn and come into competition with us in the West Indies? It is impossible. But I feel a reluctance at pursuing the discussion of this part of the question; because I am sure these are considerations on which the House cannot act, being entirely unworthy of the subject. We may as well stop all our intercourse with England, with France, or with the Baltic, whose products are in many respects the same as ours, as to act on the present occasion under the influence of any such considerations. It is too selfish, too mean a principle for this body to act on, to refuse its sympathy for the patriots of the South, because some little advantage of a commercial nature may be retained to us from their remaining in the present condition, which, however, I totally deny. Three-fourths of the productions of the Spanish provinces are the precious metals, and the greater part of the residue not of the same character as the staple productions of our soil. But it seems that a pamphlet has recently been published on this subject to which gentlemen have referred. Now permit me to express a distrust of all pamphlets of this kind unless we know their source. It may, for aught I know, if not composed at the instance of the Spanish minister, have been written by some merchant who has a privilege of trading to Lima under royal license; for such do exist, as I am informed, and some of them procured under the agency of a celebrated person by the name of Sarmiento, of whom perhaps the gentleman from Maryland (Mr. Smith) can give the House some information. To gentlemen thus privileged to trade with the Spanish provinces under royal authority, the effect of a recognition of the independence of the provinces would be to deprive them of that monopoly. The reputed author of the pamphlet in question, if I understand correctly, is one who has been, if he is not now deeply engaged in the trade, and I will venture to say that many of his statements are incorrect. In relation to the trade of Mexico, I happen to possess the Royal Gazette of Mexico of 1804, showing what was the trade of that province in 1803; from which it appears that, without making allowance for the trade from the Philippine Islands to Acapulco, the imports into the port of Vera Cruz were in that year twenty-two millions in value, exclusive of contraband, the amount of which was very considerable. Among these articles were many which the United States could supply as well, if not on better terms, than they could be supplied from any other quarter; for example brandy and spirits, paper, iron, implements for agriculture and the mines; wax, spices, naval stores, salt fish, butter, provisions; these articles amounting in the whole to one-seventh part of the whole import trade to Mexico. With regard to the independence of that country, which gentlemen seemed to think improbable, I rejoice that I am able to congratulate the House that we have this morning intelligence that Mina yet lives, and the patriot flag is still unfurled, and the cause infinitely more prosperous than ever. This intelligence I am in hopes will prove true, notwithstanding the particular accounts of his death, which there is so much of fabrication and falsehood in the Spanish practice, are not entitled to credit unless corroborated by other information. Articles are manufactured in one province to produce effect on other provinces, and in this country; and I am, therefore, disposed to think that the details respecting the capture and execution of Mina, are too minute to be true, and were made up to produce an effect here.

With regard to the general value of the trade of a country, it is to be determined by the quantum of its population, and its character, its productions, and the extent and character of the territory; and applying these criteria to Spanish America, no

nation offers higher inducements to commercial enterprise. Washed on the one side by the Pacific, on the other by the South Atlantic, standing between Africa and Europe on the one hand, and Asia on the other, lying along side of the United States; her commerce must, when free from the restraints of despotism, be immensely important; particularly when it is recollected how great a proportion of the precious metals it produces—for that nation which can command the precious metals, may be said to command almost the resources of the world. For one moment, imagine the mines of the South locked up from Great Britain for two years, what would be the effect on her paper system? Bankruptcy, explosion, revolution. Even if the supply which we get abroad of the precious metals was cut off for any length of time, I ask if the effect on our paper system would not be, not perhaps equally as fatal as to England, yet one of the greatest calamities which could befall this country. The revenue of Spain in Mexico alone, was in 1809, twenty millions of dollars, and in the other provinces in about the same proportion, taking into view their population, independent of the immense contributions annually paid to the clergy. When you look at the resources of the country, and the extent of its population, recollecting that it is double our own; that its consumption of foreign articles, under a free commerce would be proportionably great; that it yields a large revenue under the most abominable system, under which nearly three-fourths of the population are unclothed, and almost naked as from the hands of nature, because absolutely deprived of the means of clothing themselves, what may not be the condition of this country, under the operation of a different system which would let industry develop its resources in all possible forms? Such a neighbor cannot but be a valuable acquisition in a commercial point of view.

Gentlemen have denied the fact of the existence of the independence of Buenos Ayres at as early a date as I have assigned to it. The gentleman from South Carolina, who is well informed on the subject, has not, I think, exhibited his usual candor on this part of it. When the gentleman talked of the Upper Provinces being out of the possession of the patriots as late as 1815, he ought to have gone back and told the House what was the actual state of the fact, with which I am sure the gentleman is very well acquainted. In 1811, the government of Buenos Ayres had been in possession of every foot of the territory of the Vice Royalty. The war has been raging from 1811 to 1814 in those interior provinces, bordering on Lima, which have been as often as three times conquered by the enemy, and as often recovered, and from which the enemy is now finally expelled. Is this at all remarkable during the progress of such a revolution? During the different periods of our war of independence, the British had possession of different parts of our country; as late as 1780, the whole of the southern States were in their possession; and at an earlier date they had possession of the great northern capitals. There is in regard to Buenos Ayres, a distinguishing trait, which does not exist in the history of our revolution. That is, that from 1810 to the present day, the capital of the Republic of La Plata has been invariably in the possession of the patriot government. Gentlemen must admit that when, in 1814, she captured at Monte Video an army as large as Burgoyne's captured at Saratoga, they were then in possession of independence. If they have been since 1810 in the enjoyment of self-government, it is, indeed, not very material under what name or under what form. The fact of their independence is all that is necessary to be established. In reply to the argument of the gentleman from South Carolina, derived from his having been unable to find out the number of the provinces, this arose from the circumstance that, thirty-six years ago, the Vice Royalty had been a Captain Generalship; that it extended then only to Tucuman, whilst of late and at present the government extends to Desaguadera, in about the sixteenth degree of

south latitude. There are other reasons why there is some confusion in the number of the provinces, as stated by different writers; there is, in the first place, a territorial division of the country—then a judicial, and next a military division, and the provinces have been stated at ten, thirteen, or twenty, according to the denominations used. This, however, with the gentleman from South Carolina, I regard as a fact of no sort of consequence.

I will pass over the report lately made to the House by the department of State, respecting the state of South America, with only one remark; that it appears to me to exhibit evidence of an adroit and experienced diplomatist, negotiating, or rather conferring on a subject with a young and inexperienced minister, from a young and inexperienced Republic. From the manner in which this report was communicated, after a call for information so long made, and after a lapse of two months from the last date in the correspondence on the subject, I was mortified at hearing the report read. Why talk of the mode of recognition? Why make objections to the form of the commission? If the minister has not a formal power, why not tell him to send back for one? Why ask of him to enumerate the particular States whose independence he wished acknowledged? Suppose the French minister had asked of Franklin what number of States he represented? Thirteen, if you please, Franklin would have replied. But Mr. Franklin will you tell me if Pennsylvania, whose capital is in possession of the British, be one of them? What would Dr. Franklin have said? It would have comported better with the frankness of the American character, and of American diplomacy, if the Secretary, avoiding cavils about the form of the commission, had said to the minister of Buenos Ayres, "At the present moment we do not intend to recognise you, or to receive or send a minister to you."

But among the charges which gentlemen have industriously brought together, the House has been told of factions prevailing in Buenos Ayres. Do not factions exist everywhere? Are they not to be found in the best regulated and most firmly established governments? Respecting the Carreras, public information is abused; they were supposed to have had improper views, designs hostile to the existing government, and it became necessary to deprive them of the power of doing mischief. And what is the fact respecting the alleged arrest of American citizens? Buenos Ayres has been organizing an army to attack Chili. Carrera arrives at the river La Plata with some North Americans; he had before defeated the revolution in Chili, by withholding his co-operation: the government of Buenos Ayres therefore said to him, We do not want your resources; our own army is operating; if you carry yours there, it may produce dissension, and cause the loss of liberty—you shall not go. On his opposing this course, what was done which has called forth the sympathy of gentlemen? He and those who attended him from this country were put in confinement, but only long enough to permit the operations of the Buenos Ayrean army to go on; they were then permitted to go, or made their escape to Montevideo, and afterwards where they pleased. With respect to the conduct of that government, I would only recall the attention of gentlemen to the orders which have lately emanated from it, for the regulation of privateers, which has displayed a solicitude to guard against irregularity, and to respect the rights of neutrals, not inferior to that ever shown by any government, which has on any occasion attempted to regulate this licentious mode of warfare.

The honorable gentleman from Georgia commenced his remarks the other day by an animadversion which he might well have spared, when he told us that even the prayers of the chaplain of this House had been offered up in behalf of the patriots.

And was it reprehensible, that an American chaplain, whose cheeks are furrowed by age, and his head as white as snow, who has a thousand times, during our own revolution, implored the smiles of heaven on our exertions—should indulge in the pious and patriotic feelings flowing from his recollections of our own revolution? Ought he to be subject to animadversion for so doing, in a place where he cannot be heard? Ought he to be subject to animadversion for soliciting the favor of heaven on the same cause as that in which we fought the good fight, and conquered our independence? I trust not.

But the gentleman from Georgia, it appears, can see no parallel between our revolution, and that of the Spanish provinces. Their revolution, in its commencement, did not aim at complete independence, neither did ours. Such is the loyalty of the Creole character, that, although groaning under three hundred years of tyranny and oppression, they have been unwilling to cast off their allegiance to that throne, which has been the throne of their ancestors. But, looking forward to a redress of wrongs, rather than a change of government, they gradually, and perhaps at first unintentionally, entered into a revolution. I have it from those who have been actively engaged in our revolution, from that venerable man, (Chancellor Wythe) whose memory I shall ever cherish with filial regard, that a very short time before our Declaration of Independence, it would have been impossible to have got a majority of Congress to declare it. Look at the language of our petitions of that day, carrying our loyalty to the foot of the throne, and avowing our anxiety to remain under the crown of our ancestors; independence was then not even remotely suggested as our object.

The present state of facts, and not what has passed and gone in South America, must be consulted. At the present moment, the patriots of the South are fighting for liberty and independence; for precisely what we fought. But their revolution, the gentleman told the House, was stained by scenes which had not occurred in ours. If so, it was because execrable outrages had been committed upon them by troops of the mother country, which were not upon us. Can it be believed, if the slaves had been let loose upon us in the South, as they have been let loose in Venezuela; if quarters had been refused; capitulations violated; that General Washington, at the head of the armies of the United States, would not have resorted to retribution? Retaliation is sometimes mercy; mercy to both parties. The only means by which the coward soul that indulges in such enormities, can be reached, is to show to him that they will be visited by severe but just retribution. There are traits in the history of this revolution, which show what deep root liberty has taken in South America. I will state an instance. The only hope of a wealthy and reputable family was charged, at the head of a small force, with the care of the magazine of the army. He saw that it was impossible to defend it. "Go," said he to his companions in arms, "I alone am sufficient for its defence." The assailants approached; he applied a match and blew up the magazine, with himself, scattering death and destruction on his enemy. There is another instance of the intrepidity of a female of the patriot party. A lady in New Granada, had given information to the patriot forces of plans and instructions by which the capitol might be invaded. She was put upon the rack to divulge her accomplices. She bore the torture with the greatest fortitude, and died exclaiming, "You shall not hear it from my mouth; I will die, and may those live who can free my country."

But the House has been asked, and asked with a triumph worthy of a better cause—why recognize this Republic? Where is the use of it? And is it possible that gentlemen can see no use in recognizing this Republic? For what did this Re-

public fight? To be admitted into the family of nations. Tell the nations of the world, says Pueyrredon, in his speech, that we already belong to their illustrious rank. What would be the powerful consequences of a recognition of their claim? I ask my honorable friend before me, (General Bloomfield) the highest sanction of whose judgment in favor of my proposition, I fondly anticipate, with what anxious solicitude, during our revolution, he and his glorious compatriots turned their eyes to Europe, and asked to be recognized: I ask him, the patriot of '76, how the heart rebounded with joy, on the information that France had recognized us. The moral influence of such a recognition on the patriot of the South, will be irresistible. He will derive assurance from it of his not having fought in vain. In the constitution of our natures there is a point, to which adversity may pursue us, without perhaps any worse effect than that of exciting new energy to meet it. Having reached that point, if no gleam of comfort breaks through the gloom, we sink beneath the pressure, yielding reluctantly to our fate, and in hopeless despair lose all stimulus to exertion. And is there not reason to fear such a fate to the patriots of La Plata? Already enjoying independence for eight years, their ministers are yet spurned from the courts of Europe, and rejected by the government of a sister Republic. Contrast this conduct of ours with our conduct in other respects. No matter whence the minister comes, be it from a despotic power, we receive him; and even now, the gentleman from Maryland (Mr. Smith) would have us send a minister to Constantinople, to beg a passage through the Dardanelles to the Black Sea, that, I suppose, we might get some hemp and bread-stuffs there, of which we ourselves produce none—he who can see no advantage to the country from opening to its commerce the measureless resources of South America, would send a minister to Constantinople for a little trade. Nay, I have seen a project in the newspapers, and I should not be surprised, after what we have already seen, at its being carried into effect, for sending a minister to the Porte. Yes, sir, from Constantinople, or from the Brazils; from Turk or Christian; from black or white; from the Dey of Algiers or the Bey of Tunis—from the Devil himself, if he wore a crown, we should receive a minister. We even paid the expenses of the minister of his sublime highness the Bey of Tunis, and thought ourselves highly honored by his visit. But, let the minister come from a poor Republic, like that of La Plata, and we turn our back on him. The brilliant costumes of the ministers of the royal governments, are seen glistening in the circles of our drawing-rooms, and their splendid equipages rolling through the avenues of the metropolis; but the unaccredited minister of the Republic, if he visit our President or Secretary of State at all, must do it *incog.* lest the eye of Don Onís should be offended by so unseemly a sight! I hope the gentleman from South Carolina, who is so capable of estimating the effect of moral causes, will see some use in recognizing the independence of La Plata. I appeal to the powerful effect of moral causes, manifested in the case of the French revolution, when, by their influence, that nation swept from about her the armies of the combined powers, by which she was environed, and rose up the colossal power of Europe. There is an example of the effect of moral power. All the patriots ask, all they want at our hands, is to be recognized as, what they have been for the last eight years, an independent power.

But, it seems, we dare not do this, lest we tread on sacred ground: and an honorable gentleman from Virginia, (Mr. Smyth) who, when he has been a little longer in this House, will learn to respect its powers, calls it an usurpation on the part of this House. Has the gentleman weighed the terms which he employed? If I mistake not, the gentleman, in the debate respecting the power to make internal improvements, called that too an usurpation on the part of this House. That power, too, however he admitted to belong to the executive, and traced it to an imperial



source, informing us that *Cesar* or somebody else, had exercised it. But the gentleman has mistaken his position here: he is a military chieftain, and an admirable defender of executive authority, but he has yet to learn as much-bod as to the powers of this branch of the legislature. Usurpation is arrogating to yourself authority which is vested elsewhere. But what is it that I propose, to which this term has been applied? To appropriate money to pay a foreign minister his outfit and a year's salary. If that be an usurpation, we have been usurping power from the commencement of the government to the present time. The chairman of the Committee of Ways and Means has never reported an appropriation bill without some instance of this usurpation.

There are three modes under our constitution, in which a nation may be recognized: by the executive receiving a minister; secondly, by its sending one thither, and, thirdly, this House unquestionably has the right to recognize, in the exercise of the constitutional power of Congress to regulate foreign commerce. To receive a minister from a foreign power is an admission that the party sending him is sovereign and independent. So the sending a minister, as ministers are never sent but to sovereign powers, is a recognition of the independence of the power to whom the minister is sent. Now, the honorable gentleman from South Carolina would prefer the expression of our opinion by a resolution, independent of the appropriation bill. If the gentleman will vote for it in that shape, I will readily gratify him; all that I want to do is to convey to the President an expression of our willingness, that the government of Buenos Ayres should be recognized. Whether it shall be done by receiving a minister or sending one, is quite immaterial. It is urged that there may be an impropriety in sending a minister, not being certain, after what has passed, that he will be received; but that is one of the questions submitted to the direction of the executive, which he will determine, upon a view of all the circumstances, and who of course will previously have an understanding that our minister will be duly respected. If gentleman desire to know what a minister from us is to do, I would have him congratulate the Republic on the establishment of free government and on their liberation from the ancient dynasty of Spain; assure it of the interest we feel in its welfare, and of our readiness to concur in any arrangement which may be advantageous to our mutual interest. Have we not a minister at the Brazils, a nation lying along side of the provinces of La Plata, and considering the number of slaves in it, by no means so formidable as the latter, and about equi-distant from us. In reference to the strength of the two powers, that of La Plata is much stronger, and the government of Brazils, trembling under the apprehension of the effect of the arms of La Plata, has gone farther than any other power to recognize its independence, having entered into a military convention with the Republic, by which each power guarantees the possessions of the other. And we have exchanged ministers with the Brazils. The one however, is a *Kingdom*, the other a *Republic*; and if any gentleman can assign any other better reason why a minister should be sent to one and not to the other of these powers, I shall be glad to hear it disclosed, for I have not been able myself to discover it.

A gentleman yesterday told the House that the news from Buenos Ayres was unfavorable. Take it altogether, I believe it is not. But, I put but little trust in such accounts. In our revolution, credulity of reports and newspaper stories, propagated by the enemy, was so strengthened by experience, that at last nothing was believed which was not attested by the signature of "Charles Thomson." I am somewhat similarly situated; I cannot believe these reports—I wish to see "Charles Thomson" before I give full credit to them. The vessel which has arrived at Baltimore

and, by the way, by its valuable cargo of specie, hides, and tallow, give evidence of a commerce worth pursuing—brought some rumor of a difference between Artigas and the authorities of Buenos Ayres. With respect to the Banda Oriental, which is said to be occupied by Artigas—it constitutes but a very subordinate part of the territory of the United Provinces of La Plata; and it can be no more objection to recognizing the nation because that province is not included within its power, than it could have been to our recognition because several States held out against the adoption of the constitution. Before I attach any confidence to a letter not signed “Charles Thomson,” I must know who the man is who writes it; what are his sources of information, his character for veracity, &c., and of all those particulars we are deprived of the information in the case of the recent intelligence in the Baltimore papers, as extracted from private letters.

But we are charged, on the present occasion, with treading on sacred ground. Let me suppose, what I do not believe to be the case, that the President has expressed an opinion one way and we another. At so early a period of our government, because a particular individual fills the presidential chair; an individual whom I highly respect, more perhaps than some of those who would be considered his exclusive friends, is the odious doctrine to be preached here, that the chief magistrate can do no wrong? Is the doctrine of passive obedience and non-resistance—are the principles of the Stewarts to be revived in this free government? Is an opinion to be suppressed and scouted because it is in opposition to the opinion of the President? Sir, as long as I have a seat on this floor, I shall not hesitate to exert the independence which belongs to the representative character—I shall not hesitate to express my opinions, coincident or not with those of the executive. But I can show that this cry has been raised on the present occasion without reason. Suppose a case: that the President had sent a minister to Buenos Ayres, and this House had been called on to make an appropriation for the payment of his salary. I ask of gentlemen whether in that case they would not have voted an appropriation? And has not the House a right to deliberate on the propriety of doing so, as well before as after a minister is sent? Will gentlemen please to point out the difference? I contend that we are the true friends of the executive; and that the title does not belong to those who have taken it. We wish to extend his influence, and give him patronage; to give him means, as he has now the power, to send another minister abroad. But, apart from this view of the question, as regards the executive power, this House has the incontestable right to recognize a foreign nation in the exercise of its power to regulate commerce with foreign nations. Suppose, for example, we pass an act to regulate trade between the United States and Buenos Ayres, the existence of the nation would be thereby recognized—as we could not regulate trade with a nation which does not exist.

The gentleman from Maryland, (Mr. Smith,) and the gentleman from Virginia, (Mr. Smyth) the great champions of executive power, and the opponent of legislative authority, have contended that recognition would be cause of war. These gentlemen are reduced to this dilemma. If it is cause of war, the executive ought not to have the right to produce a war upon the country without consulting Congress. If it is no cause of war, it is an act which there is no danger in performing. There is very little difference in principle between vesting the executive with the power of declaring war, or with the power of necessarily leading the country into war, without consulting the authority to whom the power of making war is confided. But I deny that it is cause of war: but if it is, the sense of Congress ought certainly in some way or

other to be taken on it, before that step is taken. I know that some of the most distinguished statesmen in the country have taken the view of this subject, that the power to recognize the independence of any nation does not belong to the President; that it is a power too momentous and consequential in its character to belong to the executive. My own opinion, I confess, is different, believing the power to belong to either the President or Congress, and that it may, as most convenient, be exercised by either. If aid is to be given, to afford which will be cause of war, however, Congress alone can give it.

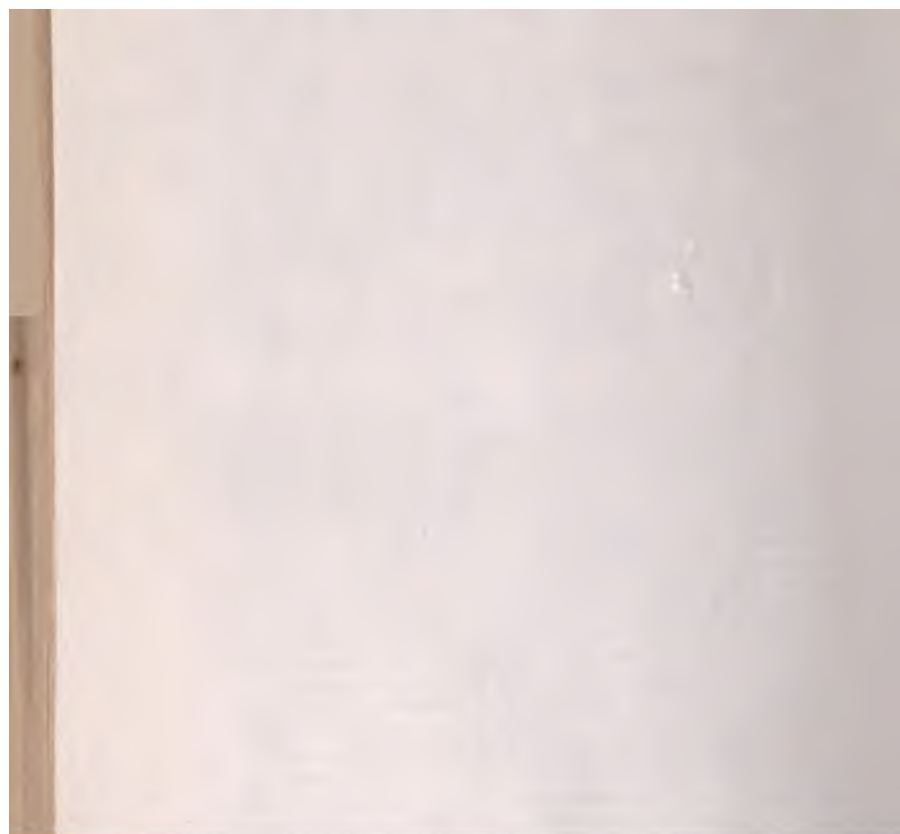
This House then has the power to act on the subject, even though the President has expressed an opinion, which he has not, further than, as appears by the report of the Secretary of State, to decide that in January last, it would not be proper to recognize them. But the President stands pledged to recognize the Republic, if on the return of the commissioners whom he has deputed, they shall make report favorable to the stability of the government. Suppose the chairman of the committee of foreign relations had reported a provision for an appropriation of that description which I propose, should we not all have voted for it? And can any gentleman be so pliant as on the mere ground of an executive recommendation, to vote an appropriation without exercising his own faculties on the question; and yet, when there is no such suggestion, will not even so far act for himself as to determine whether a Republic is so independent that we may fairly take the step of recognition of it? I hope that no such submission to the executive pleasure will characterize this House.

One more remark, and I have done. One gentleman told the House that the population of the Spanish provinces is eighteen millions; that we, with a population of two millions only, have conquered our independence—and that, if the Southern provinces willed it, they must be free. This population, I have already stated, consists of distinct nations, having but little, if any, intercourse, the largest of which is Mexico; and they are so separated by immense distances, that it is impossible there should be any coöperation between them. Besides, they have difficulties to encounter which we had not. They have a noblesse; they are divided into jealous castes, and a vast proportion of Indians—to which adding the great influence of the clergy, and it will be seen how widely different the circumstances of Spanish America are from those under which the revolution in this country was brought to a successful termination. I have already shown how deep-rooted is the spirit of liberty in that country. I have instanced the little island of Margarita, against which the whole force of Spain has been in vain directed; containing a population of only sixteen thousand souls, but where every man, woman, and child is a Grecian soldier in defence of freedom. For many years the spirit of freedom has been struggling in Venezuela, and Spain has been unable to conquer it. Morillo, in an official despatch, transmitted to the Minister of Marine of his own country, avows that Angostura and all Guayana are in possession of the patriots, as well as all that country from which supplies can be drawn. According to the last accounts, Bolivar and other patriot commanders are concentrating their forces and are within one day's march of Morillo; and if they do not forsake the Fabian policy, which is the true course for them, the result will be that even the weakest of the whole of the provinces of Spanish America, will establish their independence, and secure the enjoyment of those rights and blessings which rightfully belong to them.

END OF VOLUME I.







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